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A MANUAL

FOR THE

GUIDANCE OF OFFICERS

IN

THE ADMINISTRATION

OF

THE LAND ACQUISITION ACTS,

VIZ.,

Act X of 1870,
Act XVIII of 1885,

WITH

THE GOVERNMENT RULES AND THE BOARD'S RULES
RELATING TO THEM.

REVISED EDITION, 1890.

PUBLISHED UNDER THE AUTHORITY OF THE BOARD OF REVENUE, L.P.

CALCUTTA:
PRINTED AT THE BENGAL SECRETARIAT PRESS
(1890.)

Price Rs. 1.

PREFACE.

THIS Manual has been compiled from Chapter IV of Volume I of the Board's Rules (edition of 1st February 1878). The Rules, both those made by Government under section 59 of Act X of 1870 and those issued under the authority of the Board, have been thoroughly revised, after prolonged correspondence, and have been finally approved by Government. The Appendices have similarly been corrected, and in some cases new forms have been substituted. Notes have been added to some sections of the Act and to some of the Rules with a view to making available to Revenue officers certain rulings of the Board in cases submitted for their orders from time to time. But no attempt has been made to produce a completely-annotated edition of the Land Acquisition Acts, the field being already occupied by the Hon'ble Mr. Justice Beverley's work on the subject (2nd edition, July 1888). As, however, that work does not contain the Board's Rules for the guidance of public officers in the administration of Act X of 1870, Revenue officers concerned with Land Acquisition proceedings will find it necessary to possess and to consult this Manual as well as that work. The Land Acquisition (Mines) Act, XVIII of 1885, has been incorporated in this Manual (as also in the work abovementioned) for facility of reference. An extract from the Inspection Manual has been given in the Appendix for the use of Inspecting officers. An Index has been added.

SIR H. L. HARRISON, KT.

2. This Manual is one of the series referred to in the Preface to The Board's Rules, 1888, as being in course of preparation, and, in future, reference should

be made to it and not to the Rules in the edition of 1st February 1878 which it supersedes. It will not be reproduced as a separate Chapter of a Volume of Board's Rules, but it is to be distinctly understood that it is issued under the authority of the Board, and that it is incumbent on the Revenue officers concerned to be guided by the rules contained in it.

3. This Manual may be cited briefly as "The Land Acquisition Manual, 1890." It is interleaved with blank pages for the purpose of inserting any additions or alterations made subsequent to its issue. Officers are requested to enter all correction slips in their proper places. Errors and omissions should be brought to the notice of the Board.

4. The amendment of the Land Acquisition Act, X of 1870, has for some time been under consideration. As soon as an amending or consolidating Act is passed, it will probably be necessary to revise these Rules again, so as to adapt them to the new law. But as legislation may still be deferred for an indefinite time, the Board have thought it desirable to issue this Manual at once, as an authoritative guide, so long as the existing law remains in force.

BOARD OF REVENUE, L. P., } C. E. BUCKLAND,
The 30th September 1890. } *Secretary.*

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ACT No. X OF 1870.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the 1st April* 1870.

An Act for the acquisition of land for public purposes and for Companies.

Preamble.

WHEREAS it is expedient to consolidate and amend the law for the acquisition of land needed for public purposes and for Companies, and for determining the amount of compensation to be made on account of such acquisition; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

Short title

1. This Act may be called "The Land Acquisition Act, 1870:"

Local extent

It extends to the whole of British India;

Commencement

And it shall come into force on the first day of June 1870

Repeal of Acts

2. On and from such day Act No. VI of 1857 (*for the acquisition of land for public purposes*), Act No. II of 1861 (*to amend Act No. VI of* 1857), and Act No. XXII of 1863 (*to provide for taking land for works of public utility to be constructed by private persons or Companies, and for regulating the construction and use of works on land so taken*), shall be repealed.

All references made to any of the said Acts in subsequent Acts, orders, or contracts shall be read as if made to this Act.

Interpretation-clause

3. In this Act—

"Land."

The expression "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth:

"Person interested"

The expression "person interested" includes all persons claiming an interest in compensation to be made on account of the acquisition of land under this Act:

"Collector."

The expression "Collector" means the Collector of a District, and includes a Deputy Commissioner and any officer specially appointed by the Local Government to perform the functions of a Collector under this Act:

"Court."

The expression "Court" means, in the Regulation Provinces, British Burma, and Sindh, a principal Civil Court of original jurisdiction,

and in the Non-regulation Provinces other than British Burma and Sindh, the Court of a Commissioner of a Division,

unless when the Local Government has appointed (as it is hereby empowered to do) either specially for any case, or generally within any specified local limits, a judicial officer to perform the functions of a Judge under this Act, and then the expression "Court" means the Court of such officer:

"Company."

The expression "Company" means a Company registered under the Indian Companies' Act, 1866, or formed in pursuance of an Act of Parliament, or by Royal Charter or Letters Patent;

"Entitled to act."

And the following persons shall be deemed persons "entitled to act" as and to the extent hereinafter provided (that is to say)—

trustees for other persons beneficially interested shall be deemed the persons entitled to act with reference to any such case, and that to the same extent as the persons beneficially interested could have acted if free from disability:

a married woman, in cases to which the English law is applicable, shall be deemed the person so entitled to act, and, whether of full age or not, to the same extent as if she were unmarried and of full age; and

the guardians of minors and the committees of lunatics or idiots shall be deemed respectively the persons so entitled to act to the same extent as the minors, lunatics, or idiots themselves if free from disability, could have acted.

Note.—The Board have been advised that a Receiver is not a Trustee, and does not ordinarily come within the enumeration of persons "entitled to act" in this section. If a Receiver claims to be entitled to act for parties interested who are his principals, his authority must be ascertained from the order appointing him, just as the authority of a Pleader or a Mooktear must be ascertained from his Vokalutnamah or Mooktearnamah, or Power of Attorney—(Board's Land Acquisition Proceedings of 23rd August 1890, Nos. 128-29, Collection 8, File 106).

PART II.

ACQUISITION.

Preliminary Investigation.

Power to enter and survey.

4. Whenever it appears to the Local Government that land in any locality is likely to be needed for any public purpose, a notification to that effect shall be published in the local Gazette, and the Collector shall cause public notice of the substance of such notification to be given at convenient places in the said locality.

Thereupon it shall be lawful for any officer either generally or specially authorized by such Government in this behalf, and for his servants and workmen,

to enter upon and survey and take levels of any land in such locality:

to dig or bore into the sub-soil:

to do all other acts necessary to ascertain whether the land is adapted for such purpose:

to set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon:

Power to mark out line.

to mark such levels, boundaries, and line by placing marks and cutting trenches;

and, where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence, or jungle.

Power to clear land.

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so.

Previous notice of entry.

5. The officer so authorized shall at the time of such entry pay or tender payment for all necessary damage to be done as aforesaid, and in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Collector, and such decision shall be final.

Payment for damage.

Declaration of intended Acquisition.

6. Subject to the provisions of Part VII of this Act, whenever it appears to the Local Government that any particular land is needed for a public purpose or for a Company, a declaration shall be made to that effect under the signature of a Secretary to such Government or of some officer duly authorized to certify its orders:

Declaration that land is required for a public purpose.

Provided that no such declaration shall be made unless the compensation to be awarded for such property is to be paid out of public revenues, or out of some Municipal Fund, or by a Company.

The declaration shall be published in the local official Gazette, and shall state the district or other territorial division in which the land is situate, the purpose for which it is needed, its approximate area, and, where a plan shall have been made of the land, the place where such plan may be inspected.

Contents of declaration

The said declaration shall be conclusive evidence that the land is needed for a public purpose or for a Company, as the case may be; and after making such declaration, the Local Government may acquire the land in manner hereinafter appearing.

Declaration to be evidence.

Note 1.—Land required for a really public purpose, but to be paid for from any private source or fund, may be acquired; and to prevent any technical objection under clause 2 of this section (6), the cost should, in the first instance, be paid out of the public revenues and afterwards recovered from the private source or fund—(Board's Land Acquisition Proceedings of 5th April 1884, No 126, Collection 8, File 77, and of 6th October 1888, No. 209, Collection 8, File 115).

Note 2.—Although, under section 54 of the Act, it is compulsory to complete the acquisition after a reference has been made to the Civil Court, a declaration may be cancelled even at this stage, if the parties interested consent to the arrest of the proceedings—(Board's Land Acquisition Proceedings of 5th September 1885, No 191, Collection 7, File 91). See also note 1 to rule 15, Chapter I of the Rules.

7. Whenever any land shall have been so declared to be needed for a public purpose, or for a Company, the Local Government, or some officer authorized by the Local Government in this behalf, shall direct the Collector to take order for the acquisition of the land.

After declaration, Collector to take order for acquisition

8. The Collector shall thereupon cause the land (unless it has been already marked out under section four) to be marked out. He shall also cause it to be measured, and (if no plan has been made thereof) a plan to be made of the same.

Land to be marked out and measured. Plan

9. The Collector shall then cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take possession of the land, and that claims to compensation for all interests in such land may be made to him.

Notice to persons interested.

Such notice shall state the particulars of the land so needed, and shall require all persons interested in the land to appear personally or by agent before the Collector at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice) and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests.

Contents of notice.

The Collector shall also serve notice to the same effect on the occupier (if any) of such land and on all such persons known or believed to be interested therein, or to be entitled to act for persons so interested, as reside, or have agents authorized to receive service on their behalf, within the Revenue District in which the land is situate.

Notice to occupiers.

In case any person so interested resides elsewhere, and has no such agent, the notice shall be sent to him by post.

Note.—The Board, as Court of Wards, has, under the authority of the Government, delegated to Collectors of districts its powers of accepting tenders of Land Acquisition Officers for lands appertaining to Wards' estates. 8-9-91.

10. The Collector may also require any such person to deliver to him a statement containing, so far as may be practicable, the name of every other person possessing any interest in the land or any part thereof as co-proprietor, sub-proprietor, mortgagee, tenant, or otherwise, and of the nature of such interest, and of the rents and profits (if any) received or receivable on account thereof for the year next preceding the date of the statement.

Power to require statements as to names and interests.

Every person required to make or deliver a statement under this section or section nine, shall be deemed to be legally bound to do so within the meaning of sections one hundred and seventy-five and one hundred and seventy-six of the Indian Penal Code.

Persons required to make statements to be deemed legally bound to do so.

Enquiry into Value and Claims

11. On the day so fixed, the Collector shall proceed to enquire summarily into the value of the land and to determine the amount of compensation which in his opinion should be allowed therefor, and shall tender such amount to the persons interested who have attended in pursuance of the notice.

Enquiry into value and amount of compensation. Tender.

For the purpose of such enquiry, the Collector shall have power to summon and enforce the attendance of witnesses and to compel the production of documents by the same means and (as far as may be) in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure.

Power to summon witnesses.

12. The Collector may, if no claimant attends pursuant to the notice, or if for any other cause he thinks fit, from time to time postpone the enquiry to a day to be fixed by him.

Postponement of enquiry.

13. In determining the amount of compensation the Collector shall take into consideration the matters mentioned in section twenty-four and shall not take into consideration any of the matters mentioned in section twenty-five.

Matters to be considered and matters to be neglected.

Award by Collector.

14. If the Collector and the persons interested agree as to the amount of compensation to be allowed, the Collector shall make an award under his hand for the same

Award in case of agreement as to compensation

Such award shall be filed in the Collector's office and shall be conclusive evidence, as between the Collector and the persons interested, of the value of the land and the amount of compensation allowed for the same.

Award to be filed and to be evidence.

15. When the Collector proceeds to make the enquiry as aforesaid, whether on the day originally fixed for the enquiry or on the day to which it may have been postponed,

Reference where no claimant attends, or if Collector and persons interested cannot agree.

if no claimant attends,

or if the Collector considers that further enquiry as to the nature of the claim ought to be made by the Court,

or if any person whom the Collector has reason to think interested does not attend,

or if the Collector is unable to agree with the persons interested who have attended in pursuance of the notice as to the amount of compensation to be allowed,

or if upon the said enquiry any question respecting the title to the land or any rights thereto or interests therein arise between or among two or more persons making conflicting claims in respect thereof,

the Collector shall refer the matter to the determination of the Court in manner hereinafter appearing.

Note.—Vide note to section 3.– In a case in which a Receiver appeared and made a claim on behalf of the owner, who was dissatisfied with the amount and repudiated his authority, it was held that the Collector's award in accordance with the Receiver's claim was *ipso facto* null and void. He ought to have regarded the owner as a person interested who was not attending, and either have postponed the proceeding to enable him to attend, or have referred the matter to the determination of the Court.—(Board's Land Acquisition Proceedings of 23rd August 1890, Nos. 128-29, Collection 8, File 106).

Taking Possession.

16. When the Collector has made an award under section fourteen or a reference to the Court under section fifteen, he may take possession of the land, which shall thereupon vest absolutely in the Government free from all encumbrances.

Power to take possession.

17. In cases of urgency, whenever the Local Government so directs, the Collector (though no such reference has been directed or award made) may, on the expiration of fifteen days from the publication of the notice mentioned in the first paragraph of section nine, take possession of any waste or arable land needed for public purposes or for a Company.

Power to take possession in cases of urgency.

Such land shall thereupon vest absolutely in the Government free from all encumbrances.

The Collector shall offer to the persons interested compensation for the standing crops and trees (if any) on such land; and in case such offer is not accepted, the value of such crops and trees shall be allowed for in awarding compensation for the land under the provisions herein contained.

Note.—The word "arable" as used in this section includes ordinary cultivated land not being used for gardens, orchards, homesteads or the

like.—(Board's Land Acquisition Proceedings of 4th October 1879, No. 85, Collection 7, File 361, and Railway Proceedings of 7th May 1881, No 349, Collection 10, File 243). See also the note to rule 44, Chapter I of the Rules.

PART III.

REFERENCE TO COURT AND PROCEDURE THEREON.

Collector's statement on reference to Court.

18. In making a reference under section fifteen, the Collector shall state for the information of the Court, in writing under his hand,

(*a*) the situation and extent of the land needed,

(*b*) the names of the persons whom he has reason to think interested in such land,

(*c*) the amount awarded for damages and paid or tendered under sections five and seventeen, or either of them, the amount of compensation tendered for the land under section eleven, or, if no claimant has attended pursuant to the notice mentioned in section nine, the amount of compensation which the Collector is willing to give to the persons interested, and

(*d*) the grounds on which the amount of compensation was determined.

Service of notice.

19. The Court shall thereupon cause to be served on each of the persons so named a notice requiring him (if he has not made a claim under section nine) to state to the Court, on or before a day to be therein mentioned, the sum which he claims as compensation for his interest in the land so needed.

The Court shall also cause a notice to be served on the Collector and each of such persons requiring them to appoint, on or before a day to be therein mentioned, two qualified assessors (one to be nominated by the Collector and the other by the persons interested) for the purpose of aiding the Judge in determining the amount of the compensation.

If no claimant has attended pursuant to the notice mentioned in section nine, the Court shall cause to be affixed on some conspicuous place on or near the land needed a notice to the effect that, if the persons interested in such land do not, on or before a day to be therein mentioned, appear in Court and state the nature of their respective interests in the land and the amount and particulars of their claims to compensation, and nominate a qualified assessor, the Court will proceed to determine such amount.

Power to appoint an assessor.

20. In case of failure to nominate either of such assessors within the time so specified, the Judge shall himself appoint an assessor in his stead.

Determination of amount.

21. As soon as the assessors have been appointed, the Judge and the assessors shall proceed to determine the amount of the compensation.

22. If before such amount is determined, any of the assessors dies or desires to be discharged, or refuses or neglects, or becomes incapable to act, the party by whom he was appointed may appoint some other qualified person to act in his place

Appointment of new assessor.

If the assessor so dying, or desiring to be discharged, or refusing, or neglecting or becoming incapable were appointed by the Judge,

or, in the case of an assessor appointed by either party, if for the space of seven days after notice from the Court for that purpose the party who appointed such assessor fails to appoint another,

the Judge shall appoint some other qualified person in his stead.

Every assessor so substituted shall have the same powers as were vested in the former assessor at the time of his so dying or desiring to be discharged, or refusing or neglecting or becoming incapable.

Powers of new assessor.

23. Every proceeding under section twenty-one shall take place in open Court, and all persons entitled to practise in any Civil Court shall be entitled to appear, plead, and act, or to appear and act (as the case may be), in such proceeding.

Proceedings to be in open Court.

24. In determining the amount of compensation to be awarded for land acquired under this Act, the Judge and assessors shall take into consideration—

Matters to be considered in determining compensation.

First, the market-value, at the time of awarding compensation, of such land:

Secondly, the damage (if any) sustained by the person interested, at the time of awarding compensation, by reason of severing such land from his other land:

Thirdly, the damage (if any) sustained by the person interested, at the time of awarding compensation, by reason of the acquisition injuriously affecting his other property, whether moveable or immoveable, in any other manner, or his earnings; and

Fourthly, if, in consequence of the acquisition, he is compelled to change his residence, the reasonable expenses (if any) incidental to such change.

Note.—In addition to the value of a temple as a building, the *sebait* (proprietor) is entitled, under the fourth clause above, to reasonable compensation for removing and the ceremony of reconsecrating the idol.—(Board's Railway Proceedings of 10th May 1884, No. 217, Collection 10, File 243)

25. But the Judge or assessors shall not take into consideration—

Matters to be neglected in determining compensation.

First, the degree of urgency which has led to the acquisition:

Secondly, any disinclination of the person interested to part with the land acquired:

Thirdly, any damage sustained by him which, if caused by a private person, would not render such person liable to a suit:

Fourthly, any damage which, after the time of awarding compensation, is likely to be caused by or in consequence of the use to which the land acquired will be put:

Fifthly, any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired:

Sixthly, any increase to the value of the other land of the person interested, likely to accrue from the use to which the land acquired will be put; or

Seventhly, any outlay or improvements on such land made, commenced, or effected with the intention of enhancing the compensation to be awarded therefor under this Act.

Rules as to amount of compensation.

26. Where the person interested has made a claim to compensation, pursuant to any notice mentioned in section nine or in section nineteen, the amount awarded to him shall not exceed the amount so claimed, or be less than the amount tendered by the Collector under section eleven.

Where the person interested has refused to make such claim, or has omitted without sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded may be less than, and shall in no case exceed, the amount so tendered.

Where the person interested has omitted for a sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded to him shall not be less than, and may exceed, the amount so tendered.

The provisions of this and the two preceding sections shall be read to every assessor, in a language which he understands, before he gives his opinion as to the amount of compensation to be awarded under this Act.

Record of assessors' opinions.

27. The opinion of each assessor shall be given orally, and shall be recorded in writing by the Judge.

Difference on questions of law.

28. In case of a difference of opinion between the Judge and the assessors or any of them upon a question of law or practice or usage having the force of law, the opinion of the Judge shall prevail, and there shall be no appeal therefrom.

Agreement as to amount of compensation.

29. In case the Judge and one or both of the assessors agree as to the amount of compensation, their decision thereon shall be final.

Difference as to the amount of compensation.

30. In case of difference of opinion between the Judge and both of the assessors as to the amount of compensation, the decision of the Judge shall prevail, subject to the appeal allowed under section thirty-five.

Assessors' fees.

31. Every assessor appointed under this Act, not being an officer of Government, shall receive such fee for his services as the Judge shall direct, provided that such fee shall not exceed five hundred rupees.

Such fee shall be deemed to be costs in the proceeding.

Costs of proceedings taken by order of Court.

32. The costs of all proceedings taken under this Part by order of the Court shall, in the first instance, be paid by the Collector.

Party to pay costs

33. Where the amount awarded does not exceed the sum tendered by the Collector, the cost of all proceedings under this Part shall be paid by the person interested.

Where the amount awarded exceeds the sum so tendered, such costs shall be paid by the Collector.

Awards to be in writing

34. Every award made under this Part shall be in writing signed by the Judge and the assessors or assessor concurring therein, and shall specify the amount awarded under the first clause of section twenty-four, and also the amounts (if any) respectively awarded under the second, third, and fourth clauses of the same section, together with the grounds of awarding each of the said amounts.

Award to state amount of costs.

It shall also state the amount of costs incurred in the proceedings under this Part, and by what persons and in what proportions they are to be paid.

Recovery of costs

The costs (if any) payable by the person interested, and not deducted under section forty-two, may be recovered as if they were costs incurred in a suit, and as if the award were the decree therein.

Appeal from Judge's decision as to compensation.

35. If the Judge differs from both the assessors as to the amount of compensation, he shall pronounce his decision, and the Collector or the person interested (as the case may be) may appeal therefrom to the Court of the District Judge, unless the Judge whose decision is appealed from is the District Judge, or unless the amount which the Judge proposes to award exceeds five thousand rupees, in either of which cases the appeal shall lie to the High Court.

Every appeal under this section shall be presented within the time and in manner provided by the Code of Civil Procedure for regular appeals in suits.

Provisions of Code of Civil Procedure made applicable.

36 The following provisions of the Code of Civil Procedure—

(*a*) as to adding parties,

(*b*) as to adjournment,

(*c*) as to death, marriage, and bankruptcy or insolvency of parties,

(*d*) as to summoning witnesses and their attendance,

(*e*) as to examination of parties and witnesses,

(*f*) as to production of documents, and

(*g*) as to commissions to examine absent witnesses and to make local enquiries

shall apply, so far as may be, to proceedings before the Court.

PART IV.

APPORTIONMENT OF COMPENSATION.

Particulars of apportionment to be specified.

37. Where there are several persons interested, if such persons agree in the apportionment of the compensation, the particulars of such apportionment shall be specified in the award, and as between such persons the award shall be conclusive evidence of the correctness of the apportionment.

Dispute as to apportionment.

38. When the amount of compensation has been settled under section fourteen, if any dispute arises as to the apportionment of the same or any part thereof, the Collector shall refer such dispute to the decision of the Court.

Determination of proportions.

39. When the amount of compensation has been settled by the Court, and there is any dispute as to the apportionment thereof, or when a reference to the Court has been made under section thirty-eight, the Judge sitting alone shall decide the proportions in which the persons interested are entitled to share in such amount.

An appeal shall lie from such decision to the High Court, unless the Judge whose decision is appealed from is not the District Judge, in which case the appeal shall lie in the first instance to the District Judge.

Every appeal under this section shall be presented within the time and in manner provided for regular appeals in suits.

PART V.

PAYMENT.

Payment of compensation to whom made.

40. Payment of the compensation shall be made by the Collector according to the award to the persons named therein, or, in the case of an appeal under section thirty-nine, according to the decision on such appeal.

Proviso

Provided that nothing herein contained shall affect the liability of any person who may receive the whole or any part of any compensation awarded under this Act, to pay the same to the person lawfully entitled thereto.

Payment on making award by Collector.

41. When the amount of the compensation has been settled under section fourteen, if the persons interested shall so desire, the Collector shall, on the making of the said award, pay the amount of such compensation and take possession of the land :

Provided that, in any case where immediate possession is not required, he may allow the occupants (if any) of the land to remain in occupation of the same, upon such terms as he and they may agree on, until possession of the land is required.

Percentage on market-value.

42. In addition to the amount of any compensation awarded under Part II or Part III of this Act, the Collector shall, in consideration of the compulsory nature of the acquisition, pay fifteen per centum on the market-value mentioned in section twenty four.

Payment with interest

When the amount of such compensation is not paid on taking possession, the Collector shall pay the amount awarded and the said percentage with interest on such amount and percentage at the rate of six per centum per annum from the time of so taking possession.

Provided that the costs, if any, payable to the Collector by the person interested shall be deducted from such amount and percentage.

Time of payment in appealable cases

Provided that, in cases where the decision of the Court under Part III or Part IV of this Act is liable to appeal, the Collector shall not pay the amount of compensation or the percentage, or any part thereof, until the time for appealing against such decision has expired, and no appeal shall have been presented against such decision, or until any such appeal shall have been disposed of.

PART VI.

Temporary Occupation of Land.

Temporary occupation of waste or arable land.

43. Subject to the provisions of Part VII of this Act, whenever it appears to the Local Government that the temporary occupation and use of any waste or arable land are needed for any public purpose, or for a Company, the Local Government may direct the Collector to procure the occupation and use of the same for such term as it shall think fit, not exceeding three years from the commencement of such occupation.

The Collector shall thereupon give notice in writing to the persons interested in such land of the purpose for which the same is needed, and shall, for the occupation and use thereof for such term as aforesaid, and for the materials (if any) to be taken therefrom, pay to them such compensation, either in a gross sum of money or by monthly or other periodical payments, as shall be agreed upon in writing between him and such persons respectively.

Difference as to compensation

In case the Collector and the persons interested differ as to the sufficiency of the compensation, the Collector shall refer such difference for the final order of the Court.

44. On payment of such compensation, or on executing such agreement, or on making a reference under section forty-three, the Collector may enter upon and take possession of the land, and use or permit the use thereof in accordance with the terms of the said notice.

Power to enter and take possession.

And on the expiration of the term, the Collector shall make or tender to the persons interested compensation for the damage (if any) done to the land and not provided for by the agreement, and shall restore the land to the persons interested therein:

Restoration of land taken.

Provided that, if the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and if the persons interested shall so require, the Local Government shall proceed under this Act to acquire the land as if it was needed permanently for a public purpose or for a Company.

45. In case the Collector and persons interested differ as to the condition of the land at the expiration of the term, or as to any matter connected with the said agreement, the Collector shall refer such difference for the final order of the Court, and on such reference, or on a reference under section forty-three, the Judge sitting alone shall decide the difference referred.

Difference as to condition of land.

PART VII.

Acquisition of Land for Companies.

46. Subject to such rules as the Governor-General of India in Council may from time to time prescribe in this behalf, the Local Government may authorize any officer of any Company desiring to acquire land for its purposes to exercise the powers conferred by section four.

Company may be authorized to enter and survey.

In every such case section four shall be construed as if, for the words "for such purpose," the words "for the purposes of the Company" were substituted, and section five shall be construed as if, after the words "the officer," the words "of the Company" were inserted.

Construction of sections four and five.

47. The provisions of section six to section forty-five (both inclusive) shall not be put in force in order to acquire land for any Company, unless with the previous consent of the Local Government, and unless the Company shall have executed the agreement hereinafter mentioned.

Consent of Local Government to acquisition.
Execution of agreement

48. Such consent shall not be given unless the Local Government be satisfied, by an enquiry held as hereinafter provided—

Previous inquiry.

(1) that such acquisition is needed for the construction of some work, and

(2) that such work is likely to prove useful to the public.

Such enquiry shall be held by such officer and at such time and place as the Local Government shall appoint.

Such officer may summon and enforce the attendance of witnesses and compel the production of documents by the same means and, as far as possible, in the same manner as is provided by the Code of Civil Procedure in the case of a Civil Court.

Agreement with Secretary of State in Council.

49. Such officer shall report to the Local Government the result of the enquiry, and if the Local Government is satisfied that the proposed acquisition is needed for the construction of a work, and that such work is likely to prove useful to the public, it shall, subject to such rules as the Governor-General of India in Council may from time to time prescribe in this behalf, require the Company to enter into an agreement with the Secretary of State for India in Council providing to the satisfaction of the Local Government for the following matters, namely—

(1) The payment to Government of the cost of the acquisition:

(2) The transfer, on such payment, of the land to the Company:

(3) The terms on which the land shall be held by the Company:

(4) The time within which, and the conditions on which, the work shall be executed and maintained; and

(5) The terms on which the public shall be entitled to use the work.

Publication of agreement.

50. Every such agreement shall, as soon as may be after its execution, be published in the *Gazette of India* and also in the local official Gazette, and shall thereupon (so far as regards the terms on which the public shall be entitled to use the work) have the same effect as if it had formed part of this Act.

PART VIII.

MISCELLANEOUS.

Service of notice.

51. Service of any notice under this Act shall be made by delivering or tendering a copy thereof signed, in the case of a notice under section four, by the officer therein mentioned, and, in the case of any other notice, by or by order of the Collector or the Judge.

Whenever it may be practicable, the service of the notice shall be made on the person therein named.

When such person cannot be found, the service may be made on any adult male member of his family residing with him; and if no such adult male member can be found, the notice may be

served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business.

Obstruction to survey, &c. Filling trenches. Destroying land-marks.

52. Whoever wilfully obstructs any person in doing any of the acts authorized by section four or section eight, or wilfully fills up, destroys, damages, or displaces any trench or mark made under section four shall, on conviction before a Magistrate, be liable to imprisonment for any term not exceeding one month, or to fine not exceeding fifty rupees, or to both.

Magistrate to enforce surrender.

53. If the Collector is opposed or impeded in taking possession under this Act of any land, he shall, if a Magistrate, enforce the surrender of the land to himself, and if not a Magistrate, he shall apply to a Magistrate or (within the towns of Calcutta, Madras and Bombay) to the Commissioner of Police, and such Magistrate or Commissioner (as the case may be) shall enforce the surrender of the land to the Collector.

Government not bound to complete acquisition.

54. Except in the case provided for in section forty-four, nothing in this Act shall be taken to compel the Government to complete the acquisition of any land unless an award shall have been made or a reference directed under the provisions hereinbefore contained.

Compensation when acquisition is not completed

But whenever the Government declines to complete any such acquisition, the Collector shall determine the amount of compensation due for the damage (if any) done to such land under section four or section eight, and not already paid for under section five, and shall pay such amount to the person injured.

Note.—Acquisition proceedings may be stayed after a reference to the Civil Court has been made if all the parties interested consent to the arrest of the proceedings.—(Board's Land Acquisition Proceedings of 23rd May 1885, No. 307, Collection 4, File 1107.)

Part of house or building not to be taken.

55. The provisions of this Act shall not be put in force for the purpose of acquiring a part only of any house, manufactory, or other building, if the owner desire that the whole of such house, manufactory, or building shall be so acquired.

Payment of Collector's charges by Municipal Body or Company.

56. Where the provisions of this Act are put in force for the purpose of acquiring land at the cost of any Municipal Fund, or of any Company, the charges incurred by the Collector in such acquisition shall be defrayed from or by such Fund or Company.

Exemption from stamp duty and fees.

57. No award or agreement made under this Act shall be chargeable with stamp-duty, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.

Bar of suits to set aside awards under Act.

58. No suit shall be brought to set aside an award under this Act.

Limitation of suits for anything done in pursuance of Act

And no suit or other proceeding shall be commenced or prosecuted against any person for anything done in pursuance of this Act, without giving to such person a month's previous notice in writing of the intended proceeding, and of the cause thereof, nor after tender of sufficient amends.

Power to make rules

59. The Local Government shall have power to make rules consistent with this Act for the guidance of officers in all matters connected with its enforcement, and may from time to time alter and add to the rules so made.

Publication of rules

All such rules, alterations and additions shall, when sanctioned by the Governor-General in Council, be published in the local official Gazette, and shall thereupon have the force of law.

ACT No. XVIII OF 1885.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor-General on the 16th October 1885)

An Act to provide for cases in which Mines or Minerals are situate under land which it is desired to acquire under the Land Acquisition Act, 1870.

Whereas it is expedient to provide for cases in which mines or minerals are situate under land which it is desired to acquire under the Land Acquisition Act, 1870; It is hereby enacted as follows:—

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Short title, commencement and local extent.

1 (*1*) This Act may be called the Land Acquisition (Mines) Act, 1885; and

(*2*) It shall come into force at once.

(*3*) It extends in the first instance to the territories administered by the Governor of Madras in Council and the Lieutenant-Governor of Bengal, but any other Local Government may, from time to time, by notification in the official Gazette, extend this Act to the whole or any specified part of the territories under its administration.

Saving for mineral rights of the Government.

2. Except as expressly provided by this Act, nothing in this Act shall affect the right of the Government to any mines or minerals

X of 1870.

Declaration that mines are not needed.

3. (*1*) When the Local Government makes a declaration under section 6 of the Land Acquisition Act, 1870, that land is needed for a public purpose or for a Company, it may, if it thinks fit, insert in the declar-

ation a statement that the mines of coal, iron-stone, slate or other minerals lying under the land or any particular portion of the land, except only such parts of the mines or minerals as it may be necessary to dig or carry away or use in the construction of the work for the purpose of which the land is being acquired, are not needed.

(2) When a statement as aforesaid has not been inserted in the declaration made in respect of any land under section 6 of the Land Acquisition Act, 1870, and the Collector is of opinion that the provisions of this Act ought to be applied to the land, he may abstain from tendering compensation under section 11 of the said Land Acquisition Act in respect of the mines, and may— X of 1870.

(a) when he makes an award under section 14 of that Act, insert such a statement in his award;

(b) when he makes a reference to the Court under section 15 of that Act, insert such a statement in his reference; or

(c) when he takes possession of the land under section 17 of that Act, publish such a statement in such manner as the Governor-General in Council may, from time to time, prescribe.

(3) If any such statement is inserted in the declaration, award or reference, or published as aforesaid, the mines of coal, iron-stone, slate, or other minerals under the land or portion of the land specified in the statement, except as aforesaid, shall not vest in the Government when the land so vests under the said Act.

Notice to be given before working mines lying under land.

4. If the person for the time being immediately entitled to work or get any mines or minerals lying under any land so acquired is desirous of working or getting the same, he shall give the Local Government notice in writing of his intention so to do sixty days before the commencement of working.

Power to prevent or restrict working.

5. (1) At any time or times after the receipt of a notice under the last foregoing section, and whether before or after the expiration of the said period of sixty days, the Local Government may cause the mines or minerals to be inspected by a person appointed by it for the purpose; and

(2) If it appears to the Local Government that the working or getting of the mines or minerals, or any part thereof, is likely to cause damage to the surface of the land or any works thereon, the Local Government may publish, in such manner as the Governor-General in Council may, from time to time, direct, a declaration of its willingness, either—

(a) to pay compensation for the mines or minerals still unworked or ungotten, or that part thereof, to all persons having an interest in the same; or

(*b*) to pay compensation to all such persons in consideration of those mines or minerals, or that part thereof, being worked or gotten in such manner and subject to such restrictions as the Local Government may in its declaration specify.

(*3*) If the declaration mentioned in case (*a*) is made, then those mines or minerals, or that part thereof, shall not thereafter be worked or gotten by any person.

(*4*) If the declaration mentioned in case (*b*) is made, then those mines or minerals, or that part thereof, shall not thereafter be worked or gotten by any person save in the manner and subject to the restrictions specified by the Local Government.

Mode of determining persons interested and amount of compensation.

6. When the working or getting of any mines or minerals has been prevented or restricted under section 5, the persons interested in those mines or minerals and the amounts of compensation payable to them respectively shall, subject to all necessary modifications, be ascertained in the manner provided by the Land Acquisition Act, 1870, for ascertaining the persons interested in the land to be acquired under that Act, and the amounts of compensation payable to them, respectively.

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If Local Government does not offer to pay compensation, mines may be worked in a proper manner.

7. (*1*) If before the expiration of the said sixty days the Local Government does not publish a declaration as provided in section 5, the owner, lessee, or occupier of the mines may, unless and until such a declaration is subsequently made, work the mines or any part thereof in a manner proper and necessary for the beneficial working thereof, and according to the usual manner of working such mines in the local area where the same are situate.

(*2*) If any damage or obstruction is caused to the surface of the land or any works thereon by improper working of the mines, the owner, lessee or occupier of the mines shall at once, at his own expense, repair the damage or remove the obstruction, as the case may require

(*3*) If the repair or removal is not at once effected, or, if the Local Government so thinks fit, without waiting for the same to be effected by the owner, lessee or occupier, the Local Government may execute the same and recover from the owner, lessee or occupier the expense occasioned thereby.

Mining communications.

8. If the working of any mines is prevented or restricted under section 5, the respective owners, lessees and occupiers of the mines, if their mines extend so as to lie on both sides of the mines the working of which is prevented or restricted, may cut and make such and so many airways, headways, gateways or

water-levels through the mines, measures or strata, the working whereof is prevented or restricted, as may be requisite to enable them to ventilate, drain and work their said mines; but no such airway, headway, gateway or water-level shall be of greater dimensions or section than may be prescribed by the Governor-General in Council in this behalf, and, where no dimensions are so prescribed, not greater than eight feet wide and eight feet high, nor shall the same be cut or made upon any part of the surface or works, or so as to injure the same, or to interfere with the use thereof.

Local Government to pay compensation for injury done to mines.

9. The Local Government shall, from time to time, pay to the owner, lessee or occupier of any such mines extending so as to lie on both sides of the mines, the working of which is prevented or restricted, all such additional expenses and losses as may be incurred by him by reason of the severance of the lands lying over those mines or of the continuous working of those mines being interrupted as aforesaid, or by reason of the same being worked in such manner and under such restrictions as not to prejudice or injure the surface or works, and for any minerals not acquired by the Local Government which cannot be obtained by reason of the action taken under the foregoing sections; and if any dispute or question arises between the Local Government and the owner, lessee or occupier as aforesaid, touching the amount of those losses or expenses, the same shall be settled as nearly as may be in the manner provided for the settlement of questions touching the amount of compensation payable under the Land Acquisition Act, 1870. X of 1870.

And also for injury arising from any airway or other work.

10. If any loss or damage is sustained by the owner or occupier of the lands lying over any such mines, the working whereof has been so prevented or restricted as aforesaid (and not being the owner, lessee or occupier of those mines), by reason of the making of any such airway or other works as aforesaid, which or any like work it would not have been necessary to make but for the working of the mines having been so prevented or restricted as aforesaid, the Local Government shall pay full compensation to that owner or occupier of the surface lands for the loss or damage so sustained by him.

Power to officer of Local Government to enter and inspect the working of mines.

11. For better ascertaining whether any mines lying under land acquired in accordance with the provisions of this Act are being worked, or have been worked, or are likely to be worked so as to damage the land or the works thereon, an officer appointed for this purpose by the Local Government may, after giving twenty-four hours' notice in writing, enter into and return from any such mines or the works connected therewith; and for that purpose the officer so appointed may make use of any apparatus or machinery belonging to the owner, lessee or occupier

of the mines, and use all necessary means for discovering the distance from any part of the land acquired to the parts of the mines which have been, are being, or are about to be worked.

Penalty for refusal to allow inspection.

12. If any owner, lessee or occupier of any such mines or works refuses to allow any officer appointed by the Local Government for that purpose to enter into and inspect any such mines or works in manner aforesaid, he shall be punished with fine which may extend to two hundred rupees.

If mines worked contrary to provisions of this Act, Local Government may require means to be adopted for safety of land acquired.

13. If it appears that any such mines have been worked contrary to the provisions of this Act, the Local Government may, if it thinks fit, give notice to the owner, lessee or occupier thereof to construct such works and to adopt such means as may be necessary or proper for making safe the land acquired, and the works thereon, and preventing injury thereto; and if, after such notice, any such owner, lessee or occupier does not forthwith proceed to construct the works necessary for making safe the land acquired, and the works thereon, the Local Government may itself construct the works and recover the expense thereof from the owner, lessee or occupier.

Construction of Act when land acquired has been transferred to a local authority or Company.

14. When a statement under section 3 has been made regarding any land, and the land has been acquired by the Government, and has been transferred to or has vested by operation of law in a local authority or Company, then sections 4 to 13, both inclusive, shall be read as if for the words "the Local Government," wherever they occur in those sections, the words "the local authority or Company, as the case may be, which has acquired the land" were substituted.

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Pending cases.

15. (*1*) This Act shall apply to any land for the acquisition whereof proceedings under the Land Acquisition Act, 1870, are pending at the time when this Act comes into force, unless before that time the Collector has made, in respect of the land, an award under section 14 or a reference to the Court under section 15 of that Act, or has taken possession of the land under section 17 of the same.

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(*2*) When the Collector has before the said time made an award or reference in respect of any such land or taken possession thereof as aforesaid, and all the persons interested in the land, or entitled under the Land Acquisition Act, 1870, to act for persons so interested, who have attended or may attend in the course of the proceedings under sections 11 to 15, both inclusive, of the Land Acquisition Act, 1870, consent in writing to the application of this Act to the land, the Collector may by an order in writing direct that it shall apply, and thereupon it shall be deemed to have applied from the commencement of the proceedings; and the

Collector shall be deemed, as the case may be, to have inserted in his award or reference, or to have published in the prescribed manner, when he took possession, the statement mentioned in section 3 of this Act.

Definition of local authority and Company.

16. In this Act—

(*a*) "local authority" means any municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of any municipal or local fund; and

(*b*) "Company" means a Company registered under any of the enactments relating to Companies from time to time in force in British India, or formed in pursuance of an Act of Parliament or by Royal Charter or Letters Patent.

This Act to be read with Land Acquisition Act, 1870.

17. This Act shall, for the purposes of all enactments for the time being in force, be read with and taken as part of the Land Acquisition Act, 1870. X of 1870

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RULES MADE AND PUBLISHED BY GOVERNMENT UNDER SECTION 59 OF ACT X OF 1870.

THE following rules have been promulgated by Government under section 59 of Act X of 1870 (*vide Calcutta Gazette* of 6th November 1889, pages 898-900), and have the force of law:—

WHEREAS the basis of compensation to be awarded for revenue-paying lands taken up under the provisions of Act X of 1870 is intended by the said Act to be the actual price for which the land, subject to all its burdens, and among others to the burden of the payment of land revenue, would sell in the market, it is necessary that the exact amount of the revenue demand should be ascertained and recorded before the award of compensation can be determined; and whereas, under the provisions of the existing law, the Revenue authorities, and none other, can regulate the amount of the revenue charge to be enforced against an estate, or a portion of an estate; and whereas some of the rules already promulgated under section 59 of the said Act proceed on assumptions which are at variance with the principle above enunciated, the following revised rules are issued by the Government of Bengal, with the sanction of the Governor-General in Council, in supersession of those previously in force:—

I.—Whenever any revenue-paying land shall be acquired under the Act, the proprietor shall, except as provided in rule VI, be relieved of liability to pay revenue to the extent of the Government demand upon the said land, and such relief shall have effect from the date on which the Collector may take possession of the land on account of Government.

II.—In such cases the Collector shall, before making a tender or a reference to a Court regarding compensation, ascertain in accordance with the following rule, and record, the amount of Government revenue which is to be taken as payable in respect of the acquired portion, and shall, in the event of a reference being made to a Court, furnish the Court, at the time of making the reference, with particulars of the amount of the share so ascertained and recorded.

III.—If the land to be acquired be an entire estate or tenure assessed with a specific amount of revenue, the whole of such amount shall be remitted.

IV.—If the land be not liable for a specific amount of revenue, but be a portion of an estate or tenure which is liable for a specific amount, the proportion of

Government revenue to be deemed payable in respect of the land taken shall be ascertained under the following rules:—

1*st.*—When an estate has, within twenty years next preceding the date of the commencement of proceedings for the acquisition of any land situate therein, been subjected to a detailed settlement, or has formed portion of an estate brought under division under Regulation XIX of 1814,* made after inquiry into and record of the assets of the estate, the Government revenue to be deemed payable in respect of the said land shall bear to the assets of the said land the same proportion as the Government revenue of the whole estate bears to the assets of the whole estate, as shown in the settlement or division proceedings.

* In the territories under the Lieutenant-Governor of Bengal, this Act has been superseded by Act VIII (B.C.) of 1876.

2*nd.*—When there may have been no such settlement or division as aforesaid, then, if the area of the estate is known with accuracy, the amount of Government revenue to be deemed payable in respect of the portion of the land taken shall bear to the Government revenue of the whole estate the same proportion as the area of the said portion bears to the area of the whole estate.

Note—Pending the resettlement of the districts of the Orissa Division, which will take effect in 1896, the directions contained in this 2nd clause are to be observed in ascertaining the Government revenue assessable on land to be acquired in those districts—(Board's Land Acquisition Proceedings of 29th October 1881, No. 27, Collection 6, File 802).

3*rd.*—When the Government revenue deemed payable in respect of the land taken cannot be determined by either of the above rules, one-fourth of the net rent (*i.e.*, the gross rental less a deduction of 10 per cent. for the expenses of collection) of the said land shall be taken to be the amount of Government revenue thereon chargeable.

V.—In determining the amount of compensation to be tendered, the Collector shall take into consideration the fact that the land acquired is subject to the burden of the payment of Government revenue.

VI.—In the event of the proprietor declining to accept an abatement of revenue, such circumstance shall not entitle him to any compensation over and above the amount tendered on the original basis of calculation. In cases, however, in which the area of the portion of land acquired does not exceed one-twentieth part of the area of the estate, it shall be competent to the Revenue authorities, if the proprietor of the estate so desire, to pay to the proprietor the computed value of the revenue deemed payable in respect of such portion, on the condition of his continuing to pay the revenue of the entire estate without abatement: provided that, in computing the value of the revenue so assigned, the basis of calculation shall not exceed the number of years' purchase (if known) upon which the market value of the proprietor's profits, *i.e.*, the tender of compensation, has been determined. Thus, if the market value of the said profits has been computed at 12 years' purchase, the capitalized value of the revenue deemed payable in respect of the portion of land acquired shall be calculated at not more than 12 years' purchase of the amount of revenue in question.

VII.—When there is any doubt whether the land to be acquired is part of a revenue-paying estate, or is revenue-free, the Collector shall, before making the reference to the Court, which under the circumstances he would be required to make by section 15 of the Act, determine the amount of revenue which would be deemed payable in respect of the land acquired in the event of the land being adjudged by the Court to be a portion of the revenue-paying estate of which it is alleged to form a part.

VIII.—To enable the Collector to calculate accurately the additional compensation to be given under section 42 of the Act, and to enable him to keep up fully and clearly his registers of all lands occupied and compensation paid for them, the Collector shall invariably record separately his finding under the first head of section 24 of the Act, which concerns the market value of the land, and also the specific portion of the compensation which he may award for any houses, trees, or crops upon the land.

IX.—The procedure laid down for a reference under section 15 shall be held applicable to a reference under section 43.

X.—The procedure to be followed in the apportionment of the compensation awarded on account of lands taken up for temporary occupation shall be in accordance with the provisions of Part IV of the Act.

XI.—On the date on which payment of compensation in any case may become due under section 41 of the Act, the Collector shall tender the amount to such of the persons entitled to receive it as may be present at his office in person, or by agent duly authorized to receive the same, informing them at the same time that, in the event of their refusal to accept the amount tendered, no claim to interest will be entertained. Should any such person be absent and have no authorized agent at the Collector's Court, the Collector shall serve a notice upon him, calling upon him to attend in person or by agent, within one week of his receipt of the notice, to receive the amount due to him, and warning him that on failure to appear, within the period above named, no interest whatever will be paid to him. The Collector shall satisfy himself of the due service of the notice, and should endeavour, from time to time, to secure the presence of the parties to receive payment, so as to avoid, as far as possible, payment into the Treasury on deposit. In the event of the payees not presenting themselves for payment within a year from the date of the award, the amounts due may be paid into the Treasury on revenue deposit and vouched for in the form prescribed by Rule 5 on page 30*a* of the Civil Account Code, vol. I, 4th edition (*vide* Appendix XI of the Board's Land Acquisition Rules). When the payees ultimately claim payment of sums placed on deposit, the amounts will be paid to them in the same manner as ordinary revenue deposits, under the authority of the Collector.

RULES MADE BY THE BOARD OF REVENUE FOR THE GUIDANCE OF OFFICERS IN ACQUIRING LAND FOR PUBLIC PURPOSES AND FOR COMPANIES UNDER ACT X OF 1870 AND ACT XVIII (MINES) OF 1885.

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[*N. B.*—Throughout these rules, unless it appears otherwise from the context, the words "the Act" mean the Land Acquisition Act, X of 1870.]

CHAPTER I.—GENERAL RULES.

Delegation of the powers of a Collector.

1. By the definition in section 3 of the Act, the expression "Collector" means the Collector of a district, or a Deputy Commisioner, or "any officer specially appointed by the Local Government to perform the functions of a Collector under this Act." The Collector cannot delegate to another any of his judicial functions, but he can make over any of his ministerial functions. For instance, he may depute a subordinate to map the ground or make a local inquiry, but he cannot delegate to another the duty of determining the amount of compensation. Whenever, therefore, it may be necessary to employ an Assistant or Deputy Collector to perform duties under the Act involving the exercise of judicial functions, the Collector of the district must apply through the Commissioner to the Board to have him vested by the Local Government with the necessary powers under section 3. It is usual to vest officers with the powers of a Collector under the Act either in a particular district or place, or for the purpose of taking up land for a particular object. An officer once vested with powers in a particular district, can exercise those powers whenever he may be retransferred to that district.

Officer vested with powers to be well acquainted with law and rules.

2. No officer should be recommended for investment with powers under the Act unless the Collector to whom such officer is subordinate is satisfied that he is well acquainted with the provisions of the law, and the rules and instructions promulgated thereunder.

Land may be secured by private bargain.

3. Though an indefeasible title is secured by proceeding under the Act, and the procedure therein provided is in most cases calculated to save Government from the risk of paying more

than the true market value for land, cases may occur (especially in localities where the tenure of land is of a simple character) in which there is no risk, with respect to title, in securing land by private bargain, and in which the land may, in this way, be more speedily and cheaply secured than by proceeding under the Act. Local officers should bear this in mind when deciding what course to propose in any particular case. It must, however, be borne in mind that the interests of any one of the claimants to compensation cannot be purchased by private bargain, and the interests of the other claimants dealt with under the Act.

Preliminary investigation under sections 4 and 5.

4. Sections 4 and 5 lay down certain rules under which a preliminary investigation may be made into the condition and circumstances of lands which the Local Government may consider *likely to be* needed for any public purpose. These sections, however, seldom come into operation, and are only required in cases in which uncertainty may exist as to the position of the land to be taken up or its suitability for the purpose for which it is required, or when operations on a large scale are in contemplation and it is necessary to determine the line of a road, canal, or other important work. The form of notification is given in Appendix I. Attention is called to the words italicised above; and it should be observed that, whenever a notification has been issued under section 4, it must be followed by a declaration under section 6, as soon as it is decided to proceed with the acquisition, and the position and boundaries of the land to be acquired have been fixed and determined.

By whom to be conducted.

5. The conduct of the preliminary investigation will be entrusted to such officer as the Government may generally or especially authorize for the purpose.

Issue of public notice.

6. The chief local representative of the Department which proposes the work will prepare a draft notification under section 4, and submit it for publication in the *Calcutta Gazette*. After publication of the notification, due notice of its substance will be publicly given by the Collector at convenient places in the locality, and the Collector must invariably apprise the officer entrusted with the preliminary investigation of the issue of the Gazette notification. No officer should commence preliminary investigation until he is certified of the issue of notice.

Survey and preliminary plan of the land.

7. After receipt of intimation of the issue of the public notice from the Collector, the officer entrusted with the preliminary investigation will then proceed, as necessary, to examine the land, survey, dig, bore, and otherwise ascertain the suitability of the land for the purpose required, and will prepare such a preliminary map or plan of the land, and collect such further information, as will assist the Collector in forming an estimate of the

probable cost of taking up the land. A memorandum accompanying the map should specify generally the character of the land, *e.g.* whether waste, cultivated, or jheel, &c., and the number and character of buildings, trees, &c.

Preliminary estimate of cost.

8. The map and memorandum will be made over to the Collector, who will prepare an estimate of the probable cost of the land, and of the houses and other properties on it. In making this estimate the Collector will consult his records, and use all the means at his command to obtain the nearest approximation to the probable outlay which can be obtained without a detailed valuation of the property. Detailed and final valuation can only be made after the declaration has been issued and the regular survey required by section 8 has been completed ; but the Collector must bear in mind the explanation given in rule 27 below of the mode in which the value of the land (when revenue-paying) is to be arrived at. No fixed rule can be laid down for determining the value, but generally it will be convenient to adopt the following illustration :—

	Rs.	A.	P.
Gross rental of.....acres of land ...	.....		
Deduct Government revenue ascertained under (rule III or rule IV, clause , of the Government Rules, as the case may be) ..... Rs. A. P.			
Deduct cost of collection at 10 per cent.	.....		
Net profit ...	.....		
years' purchase of the net profit...	.....		
Add value of houses, emblements, &c....	.....		
Add additional compensation at 15 per cent., under section 42 of the Act, on the above items			
Add damages under section 24 of the Act	.....		
Add capitalized value of the Government revenue at years' purchase, under (rule VI of the Government Rules, or rule 58, Chapter 1, of the Board's Rules, as the case may be) ...	.....		
Add contingencies	.....		
Add cost of establishment (when necessary)	.....		
Totals Rs. ...	.....		

Note.—Road and public works cesses should not be deducted from the gross rental in determining the value of land, and the receiver of

compensation will have to continue to pay the cesses without abatement, till the next valuation of the district. No deduction need be made from what he would receive were these cesses not in existence on account of the contingency of the proprietor being able to escape cesses to the extent of the land acquired at the next valuation—(Board's Land Acquisition Proceedings of 23rd March 1878, No. 52, Collection 7, File 65).

Investigation under section 5.

9. The investigation to be made by the Collector in cases referred to him under section 5 is a summary one. The law gives him no power to take evidence on oath in conducting it. He may order a local inquiry, which he is at liberty to make either in person or by deputy who, if the claim be for any sum exceeding Rs. 300, should be a Covenanted Officer or a Deputy Collector. The responsibility for the proceedings and for the award will, however, in all cases rest with the Collector.

Submission of draft declaration under section 6.

10. If the land is required for public works purposes, the Collector will forward the preliminary map with his memorandum or estimate of cost, and also a draft of declaration in the form in Appendix II for issue under section 6, to the Executive Engineer, for submission of the declaration to Government through the usual channel and for preparation of the Public Works estimate required by rule 20, chapter IX, of the Public Works Code; but if the land is required for other Departments or for a Company, the Collector will (unless otherwise ordered) forward the documents to the chief local representative of the Department or Company for which it is required, for submission to Government through the head of the Department.

Preparation of estimate and draft declaration when there is no investigation under sections 4 and 5.

11. When no preliminary investigation has been made under sections 4 and 5, the Collector, if the land is required for the Revenue Department, will prepare the necessary preliminary estimate and draft declaration in the form in Appendix II for publication under section 6, and forward them through the Commissioner and the Board for the orders of Government. If the land be required for any other Department or for a Company, some duly authorized officer on behalf of the Department or Company must supply the Collector with the particulars, so far as known, of the land required. But in all cases the Collector will verify the information given by inquiry on the spot, and attach a certificate to his estimate of value, to the effect that "the rates have been arrived at after local inquiry and inspection of the ground." The illustration given in rule 8 above is applicable to the preparation of the estimate required by this clause also.

Their submission.

12. If the land be required for public works purposes, the Collector will then forward an estimate of the cost of the land and a draft of declaration in the form in Appendix II, for issue under section 6, to the Executive Engineer, for submission to Government through the usual channel; but if the land is required for other Departments

or for a Company, the Collector will (unless otherwise ordered) forward the documents to the chief local representative of the Department or Company for which it is required, for submission to Government through the head of the Department.

Form of draft declaration when land overlies mines of coal, &c.

13. When the land required is known or supposed to overlie mines of coal, iron-stone or other mineral, the draft declaration under rules 10 to 12 above should be drawn up in the form in Appendix III.

Care in preparation of estimates by reference to registration and other records.

14. The special attention of Collectors is drawn to the necessity for making their initial estimates (whether under rule 8 or rule 11 above) of the cost of land to be taken up as accurate as possible. Careless estimates not only throw out the calculations of the Department for which the land is to be acquired, but, if they err by excess, are likely, though in no way binding on Government, to prejudice the public interests by giving colour to extravagant claims at a later stage of the proceedings. As plots of land similar to those to be acquired change hands from time to time, and records of many, if not all, of these transactions are to be found in the several Registrars' offices, the Collector should test the valuation by a careful examination of the registration records. He should also consult the road cess records and all other sources of information available.

Declaration what to contain.

15. The law does not require that the declaration under section 6 shall specify the precise boundaries or area of the land to be taken. This, however, is advisable when no doubt exists as to the actual quantity which is required; but, where there is a doubt, the declaration should be so generally worded that no impediment may afterwards arise from its terms to prevent the appropriation of all the land that can possibly be required. In the case of land required for a road, canal, distributary, railway, &c., unless there is any reason to the contrary, it will be sufficient to give in the declaration the approximate area, length, breadth, and the general direction of the land for the line or channel with the names of the district, pergunnahs, and villages through which it will pass.

Note.—Although under section 54 of the Act, it is compulsory to complete the acquisition after a reference has been made to the Civil Court, a declaration may be cancelled even at this stage, if the parties interested consent to the arrest of the proceedings—(Board's Land Acquisition Proceedings of 5th September 1885, No. 191, Collection 7, File 91). See also note 2 to section 6 of the Act.

Issue of declaration, and sanction of estimate.

16. When issuing the declaration, Government will also sanction the estimate, and communicate this sanction to the chief office of the Department through which the reference has been made, and also to the Board of Revenue and the

Examiner of Accounts concerned, or the Accountant-General, as the case may be; and will also state against what particular item of the budget the expenditure is to be charged.

Demarcation and departmental map, and preparation of plans, (*a*) when land is required for other than the Revenue Department, &c.

17. After the issue of the declaration, the officer who was entrusted with the preliminary investigation or, in case no such investigation shall have been held, some officer on behalf of the Department or Company for which the land is required—such Department not being the Revenue Department—will, if this has not already been done, mark out, on the requisition of the Collector, the boundaries of the land, and furnish the Collector with a plan or map of it. The Collector will then proceed to make a detailed survey of the land. For this purpose he may employ any of his subordinate staff who may be acquainted with surveying. In important cases sanction to a special establishment must be applied for. The cost of this establishment and all other charges incurred for the purposes of the acquisition will be costs in the case. Wherever practicable, the survey should be made by chain and prismatic compass and be plotted by scale, and the officer conducting it should prepare a detailed record of his survey and measurements and an abstract, or *khatian*, grouping together the plots of lands and other property found in the possession of each person interested. The officer who has conducted the preliminary investigation, or some other competent officer deputed by the Department for which the land is to be occupied—if that Department be other than the Revenue Department—will, on the requisition of the Collector, point out the boundaries of the land to be taken up, whether such boundaries have been demarcated under section 4 or not. On receipt of the plan and measurement papers, the Collector should test them by comparison with the map and specification of area supplied by the Department for which the land is required, and in case of discrepancy have an inquiry made, and, if necessary, call on such Department to point out the boundaries a second time. The plan or map should be prepared on paper of the same quality as that used by the Survey Department for village maps or on tracing cloth, and should be on a scale of 150 feet to an inch. When possible, the size of the map should not exceed that of an ordinary page of foolscap paper. It may be that in some infrequent cases the details will be so minute as to make it necessary to plot them on a larger scale. When this is so, the particular parts containing these details should be shown on a larger scale on the same map. It should show in one or more clearly coloured blocks the land acquired under the declaration and the scale on which it has been prepared. In the margin of the plan it should be stated that "the land acquired for (*specify the purpose*) as shown in this plan is coloured (pink or blue or green), and contains an area of so many acres, and is bounded as follows:—* * * * The

description, where possible, should enumerate the boundaries on *all* sides, so as to leave no doubt of the particular plot required to be occupied. These particulars should be transcribed in English in the Collector's office.

Note.—Plans of lands taken up in Calcutta and the 24-Pergunnahs may be drawn to a scale larger, if necessary, but never smaller, than 75 feet to the inch—(Board's Land Acquisition Proceedings of 29th November 1879, No. 143, Collection 8, File 428, and of 28th February 1880, No. 52, Collection 8, File 440).

Demarcation and map, &c., (*b*) when land is required for the Revenue Department.

18. If the land be required for the Revenue Department, the necessary demarcation and the preparation of the map will be, of course, carried out by an officer deputed for the purpose by the Collector.

Inquiry into rates, &c.

19. When the Collector has satisfied himself that the two plans represent the same land, he ought, where this appears advisable, to have the survey tested on the spot, making on such testing any alteration that may seem necessary. He will also ascertain the rates of rent paid, and record them, and appraise the quality of the land and the value of the houses, trees, or crops upon it. The Collector may delegate to a Covenanted Officer or Deputy Collector, or in certain cases to a Sub-Deputy Collector or other duly qualified subordinate, the conduct of the inquiry into rates and values contemplated in this clause.

Revised estimate. Any material excess over preliminary estimate to be specially reported.

20. With the data thus obtained, the Collector will be in a position to revise the initial estimate referred to in rules 8 and 11. Too great care cannot be taken in making the examination. The amount of the revised estimate should be recorded, and if it materially exceed the amount of the original estimate, the Collector should at once stay proceedings and report the probability of such excess to the Executive Engineer, in the case of land required for public works purposes, or, in the case of land required for any other Department or for a Company, to the chief local representative of the Department or Company for which it is required, that it may be ascertained whether the object sought cannot be otherwise secured, either by obtaining some other plot of land than that originally contemplated, or in some other way. The same course should be followed if at any time before award or reference to the Civil Court the Collector has reason to believe that the cost of acquisition will considerably exceed the estimate.

Revised estimate what to contain.

21. In preparing the revised estimate, the Collector should take into account the matters specified in section 24 of the Act, as well as the additional compensation of 15 per cent. which is payable on the market value under section 42. When the land is revenue-paying, he should carefully observe the directions in

rule 27 below as to the mode in which the value of the land is to be determined, and he should at the same time record the amount of Government revenue which is to be deemed payable in respect of the land, and state by which of the modes mentioned in rules III and IV of the Government Rules the amount has been ascertained; and where the area of the land does not exceed one-twentieth of the area of the parent estate, he should note the amount of the capitalized value of the revenue which will have to be paid to the proprietor, in addition to the market value, in the event of the arrangement described in rule VI of the Government Rules being agreed upon between the Collector and the proprietor.

Issue of notices under section 9, and their form.

22. As soon as the operations prescribed by the last preceding rule have been completed, the Collector will proceed under section 9 of the Act. When he issues notices on the persons interested in the land, or on an occupier (if any) of such land, he shall at the *same time* inform the Municipal body, Railway or any other Company, who have under section 56 to defray the charges of the land acquisition, of the day on which the enquiry under section 11 is to be held or to which it may be postponed, and give such body or Company an opportunity of contesting the claims of the claimants to compensation before the Collector makes his tender. Should the land be occupied by, or any portion of it belong to, or be in the possession of, Government, the personal notice required by the law should be served on the chief local representative of the Department interested. Forms of notice will be found in Appendices IV and V. A form of requisition under section 10 is given in Appendix VI.

Collectors to enforce, when necessary, provisions of clause 2, section 10.

23. The attention of Revenue officers is called to the provisions of clause 2 of section 10 of the Act, recourse to which will obviate delay, when the Collector has not the information required to enable him to serve the necessary notices under section 9.

Ryots entitled to share in compensation, and Collectors should intervene on their behalf.

24. An occupancy ryot is undoubtedly entitled to compensation for his right of occupancy in a holding taken up for public purposes. Even a tenant with a lease of two or three years only is entitled to some compensation, though less than what would be due to an occupancy ryot. This claim of the ryots, although capable of valuation, is believed to be seldom put forward or pressed, the compensation money being usually shared among the superior tenure-holders and the zemindars. The attention of Revenue officers is, therefore, drawn to the fact that ryots having a right of occupancy, as well as ryots holding under unexpired leases, are "persons interested" in the land, and entitled to share in the compensation, and that their names should be entered in any notice under section 9 of the

Act and in any reference to the Civil Court under sections 15 and 18, or under section 38. The ryot will frequently not be able to obtain his share unless the Collector intervenes in his behalf, and he should, therefore, be distinctly and officially recognized in all stages of the proceedings.

Note.—If the ryots do not appear, it is sufficient that the proceedings show that they received due notice, and made no claim.—(Board's Land Acquisition Proceedings of 10th October 1885, No. 231, Collection 7, File 73).

Cases of free gift of land how to be dealt with.

25. Whenever the proprietor of any land, which may be required to be taken up by Government, offers to make an absolutely free gift of it, or to give it provisionally for a particular purpose, on the understanding that when no longer wanted for that purpose it shall revert to him, it will not always be necessary to carry out the procedure prescribed by the Act; but the following rule will apply. In cases in which all the interests in the land are given free of cost, *i.e.*, where a zemindar agrees to hand over the land free of all encumbrances to Government, himself settling with the under-tenants, the donor should be required to execute and register a deed of gift, the cost of stamping and registering such deed being borne by Government. When, however, some interests, but not all, are given, it will be a matter for consideration whether it is worth while to accept the gift, and the Collector should report such cases for the orders of the Board. If the Board determine to accept the gift, a deed of gift will be taken from the donor and acquisition proceedings under the Act will then be carried out, Government taking the donor's place in respect of the interest conveyed by the deed of gift. If the Board decide to decline the gift, it will of course be necessary to carry out the procedure laid down in the Act in respect of the whole of the interests concerned.

Note.—The Court of Wards has no power under the Court of Wards' Act, IX (B. C.) of 1879, to make a free gift of land belonging to wards. The land should be acquired in the usual way under the Land Acquisition Act, X of 1870.—(Board's Wards' Proceedings of 15th June 1889, No. 180, Collection 10, File 266).

Register of cases.

26. All officers employed in acquiring land are to keep a register of land acquisition cases in the form in Appendix VII

Collector's duty under sections 11 to 15. Mode of dealing with abatement of revenue.

27. Sections 11 to 15 lay down the rules according to which the Collector is to conduct his inquiry into the value of the land and into the amount of compensation to be awarded to the persons interested in it, and the conditions upon which he is either to make the award himself or to refer the matter to the decision of the Court. The Collector's attention has already been directed to the rules promulgated under section 59 of the Act, and having the force of law, which are published at the beginning of these instructions. It will be observed that

the procedure in the case of revenue-paying land has by these rules been materially altered. In every case, as the rules now stand, acquisition of land under the Act entitles the proprietor to release from liability for any revenue charge upon it, and it is the duty of the Collector, before determining the amount of compensation to be tendered or allowed in the case of any revenue-paying land which is under acquisition, to ascertain, in the manner laid down in rules III and IV of the Government Rules, the amount of Government revenue which is to be deemed payable in respect of such land, and to record this for the purposes of the subsequent proceedings. He will then determine the market value of the land, *i.e.*, the price which it would command in the market *while continuing subject* to the payment of the ascertained amount of land revenue. It is upon this market value, and upon this only, that the additional compensation of 15 per cent. under section 42 must be calculated and paid. The proprietor receiving the market value is also entitled to have his revenue abated by the amount of revenue to which his estate is liable if the land acquired be a whole estate or tenure assessed with a specific amount of revenue, or by the amount assessed by the Collector as above upon the land acquired, and this abatement must in every case be offered. If the proprietor decline to receive an abatement of revenue, he is not at liberty to claim its capitalized value or to demand any further compensation on that account. It is only in cases where the area of the land acquired does not exceed one-twentieth of the area of estate that the Collector is at liberty, if the proprietor desires this, to pay to him the capitalized value of the revenue demand on the land on condition of his continuing to pay the revenue of the entire estate without abatement. The capitalized value will be calculated in the way prescribed in rule VI of the Government Rules.

Note.—The Board have ruled that abatement of revenue should be allowed in permanently-settled estates in Orissa paying a peshkush or quit-rent to Government—(Board's Land Acquisition Proceedings of 22nd January 1887, No. 22, Collection 6, File 31, and of 8th October 1887, No. 38, Collection 6, File 8.)

Under what circumstances Collector may make award.

28. Section 15 specifies five separate conditions, on the occurrence of any one of which the inquiry is taken out of the Collector's hands. Four of these conditions, viz., the first, third, fourth, and fifth, read together with that specified in section 14, limit his jurisdiction to the single instance in which all persons whom he may have reason to believe interested in the land have presented themselves, raise no question among themselves as to their several rights and interests in the land, and accept the amount of compensation offered. Even in the absence of any difficulties or objections on the part of the persons interested, the Collector can, under the second condition specified in section 15, hand the matter over to the Court, if for any good reason he

considers that further inquiry as to the nature of any claim preferred before him ought to be made by the Court. References under section 15 should, as far as possible, be made in accordance with each separate and distinct proprietary interest (a separate and distinct proprietary interest may be composed of several claims), one reference being made for one or more plot or plots of land subject to each interest.

Mode of classifying claims and interests.

29. It is not always necessary, or even desirable, to treat the whole land covered by a declaration as a single case, the objection to doing so being that if a single claimant or interested person fails to attend, the whole matter must be sent to the Court, very often greatly to the inconvenience and expense of those parties who have attended and agreed to the Collector's tender. The land may ordinarily be divided into separate portions or plots, and separate proceedings be held as regards each plot, provided only that *the basis of division be land, and land alone. It is not permissible to divide off the separate interests in a particular plot and treat each as a separate case.* The general practice should be to split up the block of land covered by the declaration into a number of separate and distinct plots, each plot representing *not a separate interest, but a separate claim.* There is a wide difference between a separate interest and a separate claim. A may be interested in a piece of land as a zemindar, B as a putnidar, C as an under-tenant, but the three interests of A, B, and C make up only one claim. The Collector has nothing to do with the separate interests A, B, and C: he awards compensation calculated on the market value of the land, and if A, B, and C cannot agree to divide among themselves the total sum awarded in proportion to their separate interests, the Civil Court must apportion the amount under Part IV of the Act. The point for inquiry, it should always be borne in mind, is the whole value of the land.

Reference to Court of dispute as to apportionment.

30. Section 38 provides that even after the amount of compensation has been settled with the parties, if any dispute arises about the apportionment of that amount, the Collector shall refer such dispute to the decision of the Court—the award, however, as regards the total amount of compensation remaining final. If no such dispute occur, the particulars of the apportionment are, under section 37, to be specified in the award.

Distinction between a reference under section 38 and section 15, clause 5.

31. There is a distinction between section 38 and section 15, clause 5. The object of the fifth clause of section 15 is to provide for a reference in a case where the Collector cannot settle the compensation because of a dispute as to the right or title. He has, therefore, not been able to make any award. Section 38 applies to cases in which the Collector has settled the compensation, although such a dispute exists; but he

has made an award and is obliged to refer the case to the Civil Court for an apportionment.

Grounds of Collector's tender to be fully explained.

32. In conducting his proceedings as to the award, the Collector should invariably explain carefully to the parties before him the provisions of sections 24 and 25, informing them that on the principles therein enunciated his own award and that of the Court, if reference be made to it, must be based; and that if the case goes to the Court, and the sum ultimately awarded as compensation by the Court does not exceed the amount tendered by himself, the whole costs of the proceeding before the Court will fall on them under section 33.

Tender to include value of buildings, trees, and crops.

33. The award to be made by the Collector must of course include the value of any buildings and trees standing upon the land, and of such crops as the parties interested shall not agree to remove.

Award to be recorded, signed, and dated, before payment of compensation.

34. The law (section 14) distinctly requires that the award shall be made under the hand of the Collector, and under section 40 it is laid down that "compensation shall be made by the Collector according to the award to the persons named therein." Section 41 also authorizes the Collector to make payment after the award has been made. It is illegal, therefore, to pay compensation before making an award, and a mere verbal award subsequently recorded in writing is not sufficient to comply with the provisions of the law in this respect. It is necessary that in all cases a formal award should be recorded, and signed and dated by the Collector before making payment.

Collector to defend the reference to the Court as a Government suit.

35. When a reference has been made by the Collector under section 15 to the Court, the Collector should defend the case exactly as he would a Government suit. The claimant in such cases is to be regarded as the plaintiff and the Government as defendant; and it is the duty of the Collector to see that evidence is forthcoming to show the fairness of the amount which he was willing to give as compensation. As soon as the claimant files his written statement in the case in Court, the Government Pleader should apply to the Court for a copy of it for the information of the Collector, to enable the Collector to meet the case set up by the plaintiff with suitable evidence. The Collector must remember that the Court will decide on the evidence before it what amount of compensation is to be given, and he must, therefore, be prepared with reliable evidence at the trial. In important cases he should consult the Legal Remembrancer as in ordinary civil suits. At the time of the award of the Court being declared, the Collector, or the officer who appears on his behalf, should request the Judge to state the amount of costs incurred in the proceedings, and by what persons and in what proportions they are to be paid.

36. In the case of lands taken up for a canal, road, or railway, the reference to be made by the Collector to the Court under section 15 or 43 must in no one case cover more land than is included in any one of the mile plans prepared by the surveyor in measuring lands of this description.

Reference to Court in case of lands taken for a canal, road, or railway.

37. A separate finding under the first head of section 24 of the Act, for the calculation of the additional compensation, must be recorded, in accordance with the instructions given in rule VIII of the Government Rules.

Additional compensation.

38. An award made by a Collector cannot, if it is made in accordance with the provisions of the law, be subsequently amended by any authority. Officers should, therefore, be most careful, before making an award, to take all precautions to avoid error or oversight.

Awards to be made with due caution.

39. Proceedings and awards under sections 11 and 14 of the Act, and references to the Civil Court under sections 15 and 38, should be drawn up in the forms in Appendices VIII, IX and X.

Form of proceedings and awards under sections 11 and 14, and of references under sections 15 and 38.

40. Whenever proceedings under the Act are conducted by an Assistant or Deputy Collector empowered, under the provisions of section 3, to act as a Collector, such officer may, if the amount of his intended award be within the sanctioned estimate, make the award without further reference. If it be beyond the amount of the sanctioned estimate, or if the amount of compensation which it is proposed to tender exceeds in any one case Rs. 10,000, he *must* consult the Collector of the district demi-officially, and will make his final award according to the instructions received from that officer. The Collector, however, is at liberty, if he sees fit, to require a reference to be made to him in all cases before the award is given. The completion report of every case under the Act, and every progress report, when such reports are submitted, must be subscribed with a certificate signed by the officer making an award under section 14, that "the prices awarded are not in excess of those for which similar lands are actually sold in the same parts of the district;" or in case such officer should be unable to find evidence of the circumstances of actual sales, that "the prices awarded are not greater than those which similar lands in the same parts of the district might be reasonably expected to command."

Reference by Assistant or Deputy Collector to Collector before award.

41. In special cases it is competent to the Commissioner to exempt officers empowered to take up land under the Act from the obligation of referring their proceedings for the approval and confirmation of the Collector of the district.

Reference not required in special cases.

Responsibility of Commissioners and Collectors in promptly disposing of cases.

42. Commissioners and Collectors will be held responsible for these references being disposed of with despatch. Any unnecessary delay in dealing with such cases not only embarrasses the Department for which the land is required, but may seriously enhance the cost; for it has been ruled that, on a reference to the Civil Court, the Judge and assessors are bound to consider the market value of the land *at the time of the award of compensation by the Court.* Hence if, from any cause, the market value rises in the interval while the papers are under consideration of the Commissioner or Collector, as the case may be, the original estimate may be greatly exceeded. The knowledge that proceedings are pending may of itself tend to enhance the market value of land.

Taking possession under section 16.

43. Section 16 empowers the Collector to take possession of the land as soon as he has made an award or a reference to the Court, and the Act empowers no one else to do so. He may also take possession, before making an award or a reference to the Court, with the written consent of the parties interested, provided formal possession be subsequently taken as laid down in rule 44 below. It is to be distinctly understood that occupation of the land by any other officer or person without written authority from the Collector is illegal. When land has been taken up for the use of the Public Works Department, possession will be given by the Collector to the Executive Engineer, or to some person duly authorized in writing by the Executive Engineer to receive it, and to no other person. Where a reference has been made to a Court, the Collector, if the land is not required for immediate use, may at his discretion defer taking possession of it until the award of the Court has been declared.

Occupation under section 17.

44. In cases of urgency, section 17 allows occupation by the Collector, under special orders from the Local Government, before award or reference; but the Collector should be careful to obtain the orders of Government before taking possession, and should wait until the expiry of fifteen days from the date of the publication of the notice mentioned in the first clause of section 9. It is also necessary, in regard to this section, to observe that it applies to "waste and arable" land only, and not to land occupied by roads, tanks, buildings, &c. There is, however, no objection to land or buildings being informally occupied if necessary, provided all the parties interested consent in writing to the land being occupied in anticipation of the formal orders, and that it is understood at the time that the taking of such possession is without prejudice to the right of Government to be acquired under the Act in respect of such land or building. Formal possession must, however, be afterwards taken under the Act in supersession of the previous possession acquired by consent. Care should be taken that no land which may reasonably be supposed to contain workable mines is occupied under section 17.

It must be remembered that neither section 16 nor section 17 is applicable to the case of temporary occupation of land under Part VI of the Act, as the proprietary right in the land taken up under those sections vests absolutely in the State.

Note.—"Arable" as used in section 17 of the Act, includes ordinary cultivated land not being used for gardens, orchards, homesteads or the like—(Board's Land Acquisition Proceedings of 4th October 1879, No. 85, Collection 7, File 361, and Railway Proceedings of 7th May 1881, No. 349, Collection 10, File 243). See also the note to section 17 of the Act.

Nomination of assessor under section 19.

45. Sections 18 to 36 regulate the procedure to be adopted by the Court in the investigation of cases referred by the Collector. The only sections among them, other than sections 24 and 25 already referred to, which concern the Collector, are sections 18, 19, and 35, and their provisions call for no special remark, except that the assessor to be nominated by the Collector under section 19 should be, as a rule, a gazetted officer of Government not below the grade of a Sub-Deputy Collector, and that all the rules in force relating to appeals in civil suits in which Government is concerned apply to appeals instituted against or on behalf of Government under section 35.

Information to be furnished in the Collector's statement of reference to the Civil Court.

46. Under section 18, a reference is made by the Collector to the Civil Court. The words "reason to think interested" in that section refer to the result of enquiries made by the Collector. That officer first conducts a local enquiry on the spot at the time of measurement, when he ascertains the market value of the land: he then receives claims after the due notices have been published. And under section 10, he has the power to require any interested person to deliver to him a statement containing the names and interests of all other persons interested. The information which the Collector may be able to obtain by these means should be furnished in his statement of reference to the Judge. The statement should also contain the boundaries of the land which is the subject-matter of each case and the names and addresses of the persons whom the Collector has reason to think interested. When maps of the locality have been prepared, the number of the plot in the map should be stated in the reference.

Proceedings under sections 15 and 38 should be expedited, and costs of serving processes should, therefore, be paid by the Collector in the first instance.

47. When the amount of compensation has been settled under section 14, if any dispute arises as to the apportionment of the same, or any part thereof, the Collector shall refer such dispute to the decision of the Civil Court under section 38. The cost of serving processes or any other costs should not fall on the Government in such cases; but, as interest under section 42 is payable by Government when cases are referred under section 38 as well as when they are referred under section 15, it is necessary to take steps to expedite the proceedings in all cases alike, and the

"the commission on such money-order being charged as part of the cost of acquisition." 14-4-92.

costs of the service of notice to the persons interested must, therefore, always be paid into Court by the Collector in the first instance.

Rules for payment. Collector is responsible for disbursements under sections 40 to 42.

48. The rules for payment are contained in sections 40 to 42 of the Act, and rule XI of the Rules promulgated under section 59. Rule XI has been framed in accordance with the principle that section 42 of the Act cannot be construed to give a claimant a right to any interest if the non-receipt of the principal is due to his own neglect. The Collector is, however, personally responsible for the disbursement of the amount, as soon as it falls due, under the provisions of those sections, and is properly applied for; and neglect or carelessness in this respect may render him liable to pay any interest which may accrue under section 42 of the Act. All compensation, save, at the discretion of the Land Acquisition Officer, petty sums awarded to the owners of huts, shall be paid by cheque when land is acquired in Calcutta or the immediate neighbourhood or at the head-quarters of districts or subdivisions. In other cases payment of all sums exceeding Rs. 20 shall be made by cheques, payable at head-quarters or at subdivisional treasuries, according to the convenience of the parties interested. Cheques must be drawn by the Land Acquisition Officer himself at the time of payment, and handed over by him or in his presence to the claimant, from whom a receipt will then be taken. If inconvenience is likely to be caused in the case of any project in consequence of the parties interested being at a great distance from a treasury, the Commissioner may, on the application of the Collector, direct the payment of compensation in cash up to a limit of Rs. 100. The discretion thus left to the Commissioner must be exercised in exceptional cases only, as it is very desirable that cash payment should be very generally restricted to sums not exceeding Rs. 20. In cases in which the amount of a single payment does not exceed Rs. 100, the Collector or special officer should, if he fail to secure the attendance of the payee to receive the money as required by rule XI, forward to him the amount by postal money-order, whenever his residence for the time being is situated at a greater distance than ten miles from the Collector or other officer's head-quarters. If the amount to be disbursed is likely to exceed the funds at the Collector's command, he should take timely steps for obtaining, in accordance with departmental instructions, the necessary supply of money before the date on which the payment becomes due; but payment must in any case be made when due and properly applied for. The amount which may be paid under rule VI of the Government Rules is not liable to any interest charge under section 42, as it *does not form part of the award of compensation.*

Note.—In order to avoid a lapse of grant, any unexpended balance on account of the cost of land for any project should be paid into the treasury to the credit of "Revenue Deposits"—(Board's Railway Proceedings of 16th February 1889, No. 184, Collection 10A, File 75).

Land for the Public Works Department taken up either by the Collector or some special officer.

49. Land required for the Public Works Department is taken up under the Act either by the Collector or by some special officer who is placed at the disposal of the Public Works Department and vested with the powers of a Collector under the Act: the procedure differs in the two cases.

Procedure of special officers who are regarded as Public Works disbursers.

50. Officers who are specially employed for this work, being vested with the powers of a Collector under the Act and placed at the disposal of the Public Works Department, are regarded as Public Works disbursers, and are supplied with funds by means of letters of credit issued in their favour on the application of the Examiner of Accounts concerned.

Rules for payment of compensation. Voucher or receipt forms will be supplied by the Accountant-General, and should be kept under lock and key by the Land Acquisition Officer himself.

51. The rules for payment of compensation are contained in pages 30*a* to 30*e* of the Civil Account Code, volume I, 4th edition, and are reproduced in Appendix XI. The vouchers in Form B, referred to in those rules, will be supplied by the Accountant-General in books containing each one hundred vouchers. These vouchers will be printed with consecutive printed numbers, and each book will contain its own serial number. These books should be kept under lock and key by the Land Acquisition Officer himself, who should make a periodical comparison of the pass-books from the treasury with the counterfoils.

Adjustment of advances and payments which should be kept separate for each declaration.

52. On receipt of the treasury advice list referred to in rule 11, page 30*b*, of the Civil Account Code, volume I, the officer who issued the orders of payment should himself carefully see that the amounts paid are those for which orders were issued by him. When advances are drawn for payment to the payees, they should be separate for each declaration under which the land is acquired, and the receipts for the advances must mention the Account officer to whom the corresponding award statements have been sent; when the payee's receipts are forwarded to the treasury officer in adjustment of the advances, they should be accompanied by a statement showing the amounts drawn and paid; and if there remain any balance in hand which is not required for payments for the lands acquired under the declaration, it should at once be refunded into the treasury, and should not, under any circumstances, be paid for lands taken up under another declaration.

Payments, how to be made and audited when land is taken up for a Municipality or other public body.

53. In any case in which land is acquired for a Municipality or other body financially independent of Government, the Collector or Deputy Collector employed is responsible for the whole of the land acquisition proceedings, but the Government may direct that the payments instead of being made and audited in the same manner

He should also keep an account of the vouchers showing the stock in hand, the expenditure on days when there are payments, and the balance after such expenditure, and also the additions made from time to time to the balance in hand. 4-7-92.

as the ordinary payments of such body, shall be made and audited as if the land were being acquired for Government. If the Government issues such an order, the Collector or other officer who makes payments on account of the land acquired, shall draw funds from the treasury and make payments in the manner laid down in the rules in Appendix XI, using the forms prescribed, and shall render his accounts to the Civil Accountant-General. In the event of the payees not presenting themselves to receive payment within a year from the date of the award, the amounts due may be placed in revenue deposit and receipts taken in Form C referred to in Appendix XI, in the same manner as is provided in clause XI of the rules promulgated under section 59 of the Act. The Municipality or other body will pay the estimated cost of the compensation to the credit of Government in advance on such dates and in such instalments as the Government may direct, further payment to Government being required as soon as the Accountant-General reports that the payments made exceed the amount received in advance. The Accountant-General will deal with the accounts and payments as prescribed in these rules, debiting the payments against the advances received from the Municipality or other body.

Account officers to whom statements of awards are to be sent.

54. The Account officers to whom the statements of awards (Form A in Appendix XI) should be sent are given below:—

Examiner of Public Works Accounts, Bengal ...	If the land is acquired for any purposes of the Public Works Department under a declaration of the Government of Bengal in the Public Works Department.
Examiner of State Railway Accounts concerned ...	If the land is for a State Railway.
Examiner of Military Works Accounts ...	If the land is for the Military Works Department.
Controller of Military Accounts.	If the land is for any purposes of the Military Department.
Comptroller of Post Office Accounts ...	If the land is for the Postal Department.
Examiner of Telegraph Accounts ...	If the land is for the Telegraph Department.
Accountant-General, Bengal. ...	If the land is for any Civil Department, or for any local fund of which the charges are under the audit of the Accountant-General.

Procedure when payment is to be made for service lands.

55. When the lands have been held heretofore free of rent in cash or kind, or on a quit-rent on condition of the performance of some public service, the Collector, in cases of doubt as to the proper procedure, should refer the matter to the Board, in view to obtain instructions for the due protection of the Government

interest in the apportionment of the compensation, in respect to its lien for the purposes of the public service, and to enable him to represent this where necessary before the Civil Court.

Procedure to be followed in cases of service lands.

56. In cases in which the land held free or on a quit-rent is held by a paik, or village chowkidar, or putwari, the value of the holding should be separately assessed and recorded, and should be included in the total amount of compensation to be allowed in the award. The value so ascertained should not be paid to the service-holder, but should be applied for the purpose of purchasing another piece of land, similar in quality and quantity to the first piece, and situated adjacent to it, or in its immediate neighbourhood. If the amount is not sufficient to purchase the land required to compensate the holder of the service land, the difference should be made good by Government, and the amount charged to land revenue, care being taken that due economy is observed and unreasonable claims are not admitted. This second piece of land should be acquired under the provisions of the Act, and should be made over to the holder of the service land to be held by him on the same terms as the original holding was held at the time of its acquisition. Meanwhile, interest at the rate of 6 per cent. per annum should be paid to the service-holder from the date on which he was dispossessed of his service land to the date on which the new piece of land is made over to him, the amount being charged to land revenue, and the bill submitted to the Board for transmission to the Accountant-General, Bengal, for audit.

In Orissa this rule is applicable only to cases occurring subsequent to the 31st December 1887.

Note.—Sums held in deposit on account of the value of service lands acquired for public purposes should, when the paiks, putwaris, &c., to whom those amounts are due, are dead and there are no claimants, be withdrawn and credited to Government under head "Miscellaneous Revenue"—(Board's Land Acquisition Proceedings of 3rd May 1890, No. 77, Collection 10, File 95).

Disbursement of costs under sections 8 and 4

57. The Collector must disburse all costs of measurement under section 8. Costs when incurred under section 4 will be disbursed by the officer entrusted with the preliminary investigation.

Adjustment of cost of land and value of revenue abated when land is taken up for Municipalities, &c.

58. Whenever land is acquired for any purpose which is not strictly a Government purpose, as for a Municipality, a District Board, a District Road Committee, or a Company, or the like, the whole cost of acquisition should be charged to such Municipality, Committee, Company or other body of persons as the case may be. The cost of establishment, including therein a proportionate share of the salary of the Deputy Collector employed on the work, shall be separately estimated for, and proceedings shall not be commenced until the amount of the estimate, inclusive of the estimated cost of establishment, has been paid into the treasury in the manner provided for in rule 53. Provided that when the land is revenue-paying land in

respect of which an abatement of revenue has been granted, in addition to the cost of acquisition, the Municipality, Committee, Company, or other persons concerned shall be required to pay to Government the capitalized value of the revenue assigned to the land, calculated at the current rate for capitalizing annual payments made to or by Government.

Note.—This rule applies also to the cost of establishments employed in acquiring land for village channels under sections 50 to 52 of the Bengal Irrigation Act, III (B.C.) of 1876—(Board's Land Acquisition Proceedings of 30th October 1886, No. 138, Collection 10, File 158).

Abatement to have effect when possession of the land has been taken.

59. As soon as possession of the land has been taken, the Collector should give effect to any abatement of revenue which may have been determined on in connection with it.

Additional compensation under section 42.

60. The attention of Collectors is called to the provisions of section 42, by which an additional compensation of 15 per cent. on the *market value*, not the total award, is to be paid to the owners of the land occupied. In other words, 15 per cent. is not to be added to compensation awarded in consideration of any of the matters specified in clauses 2, 3, and 4 of section 24 Nor is it to be added to the amount which may be paid under rule VI of the Government Rules as the capitalized value of the revenue deemed payable in respect of the land acquired, as that amount *does not form part of the market value of the land.* A table is given in Appendix XII for calculating the additional compensation. Collectors should be careful, when making an offer for the land to be taken, to see that that offer is based strictly on the grounds prescribed by the law. They should also, at the time of making the offer, inform the proprietors that they will receive 15 per cent. over and above the market value of the land. If this be not borne in mind, it will sometimes happen that 15 per cent. will go to the proprietors in excess of what they agreed to, or of what the Collector intended to award.

On trees, houses, &c.

61. As under section 3, trees, houses, and other immoveable things standing on land under acquisition for public purposes are included in the definition of the word "land," the value of such things *minus* the cost of repairs of houses should always be included in the Collector's estimate of the market value of the land, and the additional compensation under section 42 must be paid on the lump sum.

To be paid in all cases except under agreement.

62. It should be borne in mind that it is a presumption of law that the surrender of land acquired under the Act is compulsory. The additional compensation of 15 per cent. must, therefore, be paid in all cases, except where, under special agreement, the parties have accepted a lump sum, and distinctly waived or included therein the claim to any additional compensation under section 42. In all such cases this agreement must be taken in writing, and filed with the proceedings.

63. Sections 43 to 45 prescribe the procedure to be followed in procuring *temporary* occupation of waste or arable land. In these cases no declaration is required by the law, but with this reservation, all the procedure prescribed above will apply as faras the case requires.

Temporary occupation of land under sections 43 to 45.

64. Sections 46 to 50, making special provision for the terms on which Government will take up lands for the use of Companies, need no particular comment. The officer of any Company for whom Government may undertake to acquire land will, when authorized under section 4, proceed according to the instructions already given. Under section 50 the agreement must appear in the *Gazette of India*, as well as in the local official Gazette, before proceedings can be taken under section 8 of the Act.

Acquisition of land for Companies under sections 46 to 50.

65. The amount of compensation under section 54, as under section 5, will be fixed by the Collector on a summary inquiry, and without record of evidence on oath, and is final.

Compensation under section 54 made on summary inquiry.

66. Collectors should be very careful in dealing with cases under section 55 When the cases are of importance or difficulty, the Board should be consulted before the claims are admitted.

Care in dealing with cases under section 55.

67. The Collector will prepare and submit to the Commissioner a final report of his proceedings for each project in the form of Appendix XIII. This report, accompanied by Appendix XIV, and, in the case of land taken up for a railway, by Appendix XV when necessary, should be submitted to the Board for confirmation of the proceedings. When the proceedings have been confirmed, Appendices XIV and XV will be recorded in the Board's office, and the final report will be returned.

Final report of acquisition proceedings.

Note.—It is not necessary to submit these reports in cases of land taken up for village channels under sections 50 to 52 of the Bengal Irrigation Act, III (B.C.) of 1876, at the expense of the applicants for the channels. But when the Government constructs a village channel at its own cost, the ordinary procedure of the Land Acquisition Act will apply, and the proceedings must be reported to the Board as usual—(Board's Land Acquisition Proceedings of 2nd April 1881, No. 178, Collection 2, File 695, and of 30th October 1886, No. 138, Collection 10, File 158).

68. Deputy Collectors employed in acquiring land for irrigation and railway purposes are empowered to meet law charges incurred by them, and the Examiner of Accounts concerned will admit the charges in the monthly contingent bills, when duly supported by vouchers, provided that the bills have first been passed by the Collector of the district.

Law charges may be met by Deputy Collectors, and will be admitted in contingent bills passed by the Collector.

69. Costs decreed to Government, although realised from the owner of the land by deduction from the amount of compensation paid, being of the nature of advances recovered, should not be taken *in abatement of the price paid for the land.*

Costs decreed to Government not to be taken in abatement of the price paid.

7/. On the completion of a land acquisition case, the officer in charge of the proceedings should communicate all necessary particulars to the Land Registration Deputy Collector, to enable him to make the needful entries in Register B, Part II, and to note in the General Registers, A and B, of estates the particulars of lands which have to be deducted. A certificate that all needful entries have been made in the Land Registers should be written by the Head Clerk of the Land Registration office in column 14 of the Register of Land Acquisition cases (Register 5). 8-11-91.

"When an officer engaged in the acquisition of land finds in the course of the proceedings that any proprietor of an estate or revenue-free property or of any interest therein, claiming compensation before him, has not been registered as such proprietor, he shall report the matter to the Collector of the district for the requisite action under the Land Registration Act." 1-2-92.

) "In cases in which payment is made by postal money-order, the)ceipt should be filled in by the Land Acquisition Officer, ad the money-order receipt containing the signature of the ayee should be pasted in the place intended for his signature. note sho.ld then be made by the Land Acquisition Officer mself on the counterfoil of the receipt, as follows:—'The)ney was paid by money-order No. , dated , the receipt for which has been pasted on the receipt in rm B, which is to accompany the accounts.'" 14-4-92.

"When a special officer is employed, the monthly statement should be accompanied by a concise account of the kind of work which has been engaging his attention principally during the month, the data on which he is calculating, or proposes to calculate, compensation, and any other information of importance. Where a decision affecting rates over a large area, or in a number of cases involving a large amount of compensation, is given by the Civil Court, the grounds on which the Court proceeded should be briefly stated, and any intention to appeal should also be mentioned." 1-2-92.

Submission of monthly abatement statements, and inclusion of abatements in Return IX.

70. When land is taken up for a road, railway or any other purpose that necessitates the consecutive acquisition of several plots of land, abatement statements in the form in Appendix XVI should be submitted monthly until the work is completed. District officers will regard the Board's sanction to the abatements of revenue shown in these statements as sufficient authority for including in their quarterly Return IX the amounts so sanctioned, the Board's orders being quoted in each instance.

Alienations to be noted in general registers, A and B.

71. Alienations of land from revenue-paying estates under this Act should be carefully noted against the estates in the Collector's general register, A. Similar entries in the revenue-free land register, B, should be made for lakhiraj lands taken. * *

Registration of receipts for compensation unnecessary.

72. Under section 16 of the Act the land acquired vests absolutely in the Government, free from all encumbrances. The title of Government is not derived from the former owner, but created under the Act. The receipt for compensation is, therefore, a simple receipt for money paid, and registration under clause (*c*), section 17, Act III of 1877, is unnecessary.

Receipts for compensation to be sent with the monthly accounts, the counterfoils being kept with the records.

73. The receipt for payments due under the award should be taken in Form B in Appendix XI. The receipts should be forwarded with the monthly accounts to the officer whose duty it is to audit those accounts, and the counterfoil should be kept with the records of the case. * *

Collector's order under this Act cannot be set aside or modified by executive authority.

74. The Commissioner and Board of Revenue cannot set aside or modify any order passed by the Collector under this Act.

Periodical returns.

75. The following returns and estimate are required to be submitted periodically to the Board :—

(i) *Return XVIII.*—Progress in taking up land for public purposes.

(ii) *Return XVIII (a).*—Progress made in the temporary occupation, under section 43 of the Act, of land required for public purposes.

These statements should be submitted monthly in cases of land for the acquisition of which a special officer is employed, and quarterly in all other cases, including embankments under Act II (B.C.) of 1882. * *

[NOTE.—No case should be struck out of any of the Monthly or Quarterly Returns till the proceedings have been reported to, and confirmed by the Board.]

(iii) *Annual estimate* of compensation for land to be taken up for public purposes.

Forms of these returns and estimate are given in Appendices XVII, XVIII and XIX. The Monthly and Quarterly Returns are to be submitted through the Commissioner; the Annual estimate to the Board direct.

Commissioners should insist upon the punctual submission of Returns, and should see that the Returns are submitted to the Board with all possible despatch from their own offices.

Chapter II.—Special Rules for Guaranteed Railways; for Railways to be constructed by Assisted or Private Companies; for State Railways, and for Canals and Roads.

Part I.

Guaranteed Railways and Railways to be constructed by Assisted or Private Companies.

Classes of land and conditions on which provided.

1. Land required for guaranteed railways and railways to be constructed by assisted or private Companies is divided into four classes—A, B, C, and D. *First*, class A, land which a Railway Company receives free of charge, under the contract with the Government, for permanent occupation; *second*, class B, land also provided free of cost, but only for temporary occupation; *third*, class C, land which the Railway Company has to provide at its own cost; *fourth*, class D, land provided free of cost, but which does not come directly into the possession of the Railway Company at all.

Class A land.

2. Class A comprises the land required for the permanent works of a railway, including the road with its bridges, &c., and all stations, workshops, permanent store-houses, and the like, necessary for the line when opened, and which, under the contract, is to be provided by Government free of cost to the Railway Companies. The occupation of this land by a Railway Company is so far permanent that it only ceases when their contract is terminated or surrendered, and the whole lapses to Government. It is all provided free of charge.

Class B land.

3. Class B contains land essential for the execution of the permanent works of a railway, but not required after the completion of the line, in part or in whole, such as land for spoil banks, for extra excavation to make banks for river diversion, and for the storage of railway materials held in stock by the Railway Company, pending the

construction of the line or their despatch to the works.* It also is provided free of charge. The occupation of this class of land will be temporary.

Class C land.

4. Class C contains the land which a Railway Company has to provide at its own cost. This is the land which is required for the provision or preparation of materials, for purposes contingent on the actual execution of the works on the line, or for other miscellaneous objects which the Government recognizes as falling legitimately within the scope of the Railway Company's operations, though not giving the Company a claim to the provision of land free of charge. As a Railway Company is bound to pay for the construction of all works out of its capital, only receiving from Government, without charge, the land on which the works stand, the provision of all materials, and the means of facilitating the execution of all works, are to be at the cost of the Railway Company † It is proper to bear in mind, in fixing the rent, that this land will in part deteriorate by the use to which it is put, and in part will not so deteriorate. In all cases, however, it will be most convenient to deal with the land in the first instance in the same manner. It will be taken possession of by Government, and handed over to the Railway Company for occupation at a fair rental. When the necessity for occupation ceases, the land will be restored to the Government by the Railway Company, the proper time for the relinquishment being determined by the Railway officer and Consulting Engineer.

Class D land.

5. Class D contains that land which, being required in consequence of the works of a railway, still does not come directly into the occupation of the Railway Company. It will be provided free of charge. It will be exclusively land for roads, either new roads leading to

* The last sort of land is allowed free under the Right Hon'ble the Secretary of State's letter No. 25 of 30th November 1858

† The following words were also in the original rules and in the rules for taking up land for railway purposes by the Government of India, issued 29th June 1861 :—

'In this class, therefore, will fall all land for brickmaking, for quarrying ballast (*a*) for houses for persons employed on the work, &c.; so also land for houses for engine-drivers and the like on the line when opened, and for other similar purposes, will come under class C."

But Her Majesty's Secretary of State for India thought that any particularization in the rule might raise questions as to the power of Government to alter or vary the terms of the contract (a power which the Government has no intention of claiming). It has therefore been thought best to give these words in a note, simply for the guidance of the officers of Government and parties interested, as to the construction which Government puts on the contract in regard to certain points of frequent practical application.

(*a*) In the original rules, the words "for roads to works in progress" here found place, but they have been struck out as calculated to mislead. It is clear a road may be required from a site used temporarily for storage of materials itself in class B. This would carry the road itself into the same class A road from a brickfield or quarry would be in the same category as the brickfield or quarry, viz. class C, whereas a road from a detached but permanent store-yard, although leading "to works in progress," would not the less come under class D, should such road still be necessary after the completion of those particular works. Thus, generally, the circumstances of the tenure of land at the end of the road furthest from the railway will decide the class into which the road itself shall be placed.

railway stations, or to permanent store-yards or workshops detached from the main works, diversions, or changes of old roads made necessary by railway works.

Reason why rent is charged for land

6. Inconvenience would arise if Railway Companies were permitted to hold land on their own account, or otherwise than is above explained. By causing them to rent from the Government all land to which they are not entitled free, in the manner above explained, simplicity in the tenure of their property is secured, which will be a matter of importance at a future time when the railway may be transferred to Government. The determination of the value to be paid by the Government for any land not included in class A, which might be held by a Railway Company, would certainly be in such an event a great embarrassment.

Property on land, how to be paid for, and disposed of.

7. Houses, trees, tanks, or other property on land which is not provided free of charge, and for which special payment or compensation is necessary, must be paid for at once by the Railway Company, and the Revenue officers will be held strictly responsible for the regular adjustment by the Railway Companies of all charges on this account and on account of land, to be determined in the manner above explained. In the case of land provided free of charge, the materials, &c., derived from the "clearance" of the surface, which then will be at the expense of Government, will be disposed of by the Revenue officers to the best advantage.

Rent of C lands.

8 The annual rent on lands in class C, occupied by any Railway Company, shall be fixed at 5 per cent. on the outlay incurred by Government in taking up the land, *plus* any revenue or rent payable to Government in respect of the said land.

Rate of rent.

9. In the case of land already belonging to, and in the occupation of, Government, the rent shall be fixed at 5 per cent. on the value of the land estimated by the Collector.

Compensation for deterioration of C lands.

10. In the event of the land being required for purposes through which its letting value will be diminished, the Railway Company, on relinquishing it, shall pay, in addition to any rent paid during the occupation of the land under the previous instructions, the estimated difference between the actual value of the land when relinquished and the value that the land would have had if the rent remained at the amount that was paid during the occupancy of the Company.

When rent is not to be charged.

11. When land, presented in free gift by private individuals for the purpose of a railway, is made over to a Railway Company in class C, no rent shall be charged by Government for the land.

12. Under rule 10 above, the real value of the land to Government, before it was handed over to the Company, would be properly estimated on the basis of the rent charged for it. But when land has been actually paid for by the Company already, no re-opening of the old transactions should take place, and the adjustment can be made when any land is given up.

Adjustment of compensation for deterioration.

13. Compensation paid for surrender of a lease or any other charge should be considered in fixing the rent. If the land is not in the occupation of the Government, and, therefore, cannot be transferred to the Company without charge of some sort, it comes under rule 8, above.

Compensation for surrender of lease, &c.

14. It will be necessary for the Government to see that all rents or other payments for clearances, &c., chargeable on behalf of Government against any Railway Company are duly realized.

Rents, &c., should be duly realized.

15. All contemplated changes in the land in possession of a Railway Company should be promptly reported by the Railway Agent to the Consulting Engineer to Government, who will notify the same to the Local Government. It will be for the latter to see that the necessary steps are taken by the Revenue authorities for entering such changes in their records, and for carrying out all further proceedings that are requisite on such an occurrence.

Changes in land should be reported, and entered in the records.

16. The several classes of land required for guaranteed railways, and railways to be constructed by assisted or private companies will be coloured pink, yellow, purple, and green, respectively, in the plans, and the exact purpose to which each parcel of land is to be devoted will be noted in the schedule.

Several classes of land should be differently coloured in the plan, and the purpose for which land is required should be stated in the schedule

17. The subjoined form of schedule should be used for all guaranteed railways and railways constructed by assisted or private companies:—

Form of schedule.

Form of Schedule.

Plan sheet No. _____

Railway _____

District _____

Schedude of land required for the use of the railway in—

Village
Pergunnah
District

Number of plan.	Purpose for which required.	Payable by Government			Payable by Railway Company.
		A. (Pink) Land for permanent occupation by Railway Company.	B. (Yellow.) Land for temporary occupation by Railway Company.	D. (Green.) Land to be occupied by Government permanently.	C. (Purple.) Land for occupation by Railway Company permanently or temporarily.

Consulting Engineer to Government. *Chief Engineer,—Railway.*

Part 2.

State Railways.

Work not to be delayed for want of sanction to estimate. Board will be furnished with a copy of Secretary of State's general sanction to the estimate.

1. Acquisition work should not be delayed because sanction has not been specifically accorded to the estimate of cost of taking up the land prepared by the Revenue officers. The Secretary of State's general sanction to the estimate of the entire cost of the line covers this and all other detailed estimates. The Engineer-in-Chief includes the Collector's estimate of the market value of the land and cost of acquisition in his estimate of the total cost of the railway, and the Secretary of State's sanction to the whole estimate covers the cost of the land, which is only a fraction of the entire cost of the undertaking. When the general sanction of the Secretary of State to the estimate is received, the Government will forward a copy of it to the Board for communication to the local officers.

Acquisition officers should communicate with Railway authorities as to when and where land should have priority of acquisition, and upon question of funds.

2. Land acquisition officers employed in taking up land for State Railways, although under the direct orders of the District Collector as regards procedure and purely revenue matters, should be in regular communication with the Railway authorities concerned upon such subjects as when and where land should have priority of acquisition and upon questions of funds.

Classes of land.

3. Land acquired for State Railways may be divided into two classes—A and B.

Class A land, and purpose for which it is acquired.

4. *Class A.*—Land required permanently, or land necessary for the railway when it is open for public traffic, and when the works of construction are finished.—Such lands are the sites of bridges, embankments, cuttings, fencings, and other works; the cess or berm introduced for the sake of safety between the limits of the works and the adjacent spoil bank, bazar, or side-cutting; roads permanently required and immediately in the neighbourhood of stations, over-bridges, under-bridges, or level-crossings on the railway; land or water required for the water-supply; land wanted for the preparation and reception of such materials as are used in maintenance, as ballast-pits; land for the lasting diversion of water-courses and all space permanently required at the stations, whether for traffic, storage, workshops, dwellings, or recreation.

Class B land, and purpose for which it is acquired.

5. *Class B.*—Land required temporarily, or land necessary to be taken up, but not permanently wanted.—Such land will be for roads required for access to works while in progress, but which will subsequently be abandoned; land for side-cutting and spoil banks occupied during construction for the preparation and reception of materials used in constructing the railway, as brick-fields, quarries, or ballast-pits; the temporary diversion of streams and highways. The sites of overseers' dwellings to be occupied only during construction will come in this class.

Transfers of land should be reported and noted in the records.

6. All transfers of land belonging to a State Railway are reported by the Executive Engineer to the Engineer-in-Chief, who is required to notify the same to Government for such orders as will ensure the changes being entered by the Revenue officers in the records, and for carrying out all further proceedings that are requisite on such an occasion.

Class A and class B lands should be coloured pink and yellow, respectively, on the plan.

7. Land required permanently under class A for a State Railway will be coloured pink in the plans; those temporarily under class B will be coloured yellow.

Form of Schedule.

8. Subjoined is the form of schedule of lands taken for State Railways:—

State Railway.

Plan No. _____

District _____

Schedule of land taken for the use of the Railway in—

Zillah
Pergunnah
Mouzah

Number of plan.	Purpose for which required.	Class A, coloured pink. Occupation permanent. Land for the regular works of the railway, including land for high roads and rivers, &c.			Class B, coloured yellow. Occupation temporary. Land for excavations, spoil, and for contingencies of construction, for dwelling-houses, &c., &c.		
		Acres.	R.	P.	Acres.	R.	P.
	Total						

Executive Engineer. *Engineer-in-Chief.*

Part 3.

General—for all Railways, Roads, or Canals.

Land should be applied for in continuous portions.

1. All land required for any line of railway, road, or canal should be applied for in continuous portions; the measurements and areas being recorded in accordance with the fiscal divisions of villages, estates or mouzahs, pergunnahs and zillahs. In the case of land required for a railway, these details should be given in schedules, for form of which *vide* rule 17, Part 1, and rule 8, Part 2, showing in detail the several classes to which the land belongs.

Scale of, and particulars to be given in, Railway officers' plans.

2. Plans furnished by Railway officers of lands required for a guaranteed railway, or for a line to be constructed by assisted or private companies, will be drawn on a scale of 400 feet to the inch or, where a larger scale is required, 100 feet to the inch. Plans for state railways or roads should be drawn on a scale of 150 feet to the inch, but it may be that in some infrequent cases the details will be so minute as to make it necessary to plot them on a larger scale. When this is so, the particular parts containing these details should be shown on a larger scale on the same map. Plans for canals should be on a scale of 300 feet to the inch. Each plan should consist of the length of one mile, and they should be numbered consecutively. The area of the land to which each plan refers should be noted, in acres, roods and poles, and

in standard bighas of 14,400 square feet, on the face of the plan, as well as in an accompanying reference sheet or schedule. Where lands situated in different villages are covered by the plan, the boundaries of each different village, when intersected, should be distinctly shown; and the area of the portion included in each village is to be shown separately in the plan and schedule. Each plan and schedule shall also bear a note stating the purpose for which the land is required.

When the boundary of a district does not coincide with the termination of a mile, a separate plan should be prepared of the land on either side.

3. The boundary of a district will of course seldom or never coincide with the termination of a mile. Unless it does so, a separate plan should be prepared for each of the broken parts of a mile on either side of the boundary, so as to keep the records of each district separate.

Detached portions of land should be referred to some fixed point on one of the main sheets.

4. Detached portions of land should be referred to some fixed point on one of the main sheets, with such distances and compass or other bearings as will enable the land to be identified at once. A corresponding entry should also be made on the main sheet to draw attention to the detached portion.

Engineers' plans and schedules to be attested and sent to Government for transmission to the Board with orders for acquisition of land.

5. The general correctness of the plans and schedules furnished by the Engineer for guaranteed railways and railways to be constructed by assisted or private companies will be attested by the Consulting Engineer to the Government of India: those for state railways, by the Engineers-in-Chief or other controlling officers; and the attesting officers will in each case forward them with the application for the land, through Government, to the Board of Revenue to be dealt with as may be necessary by the Revenue authorities.

Instructions for the preparation and submission of plans and estimates and for the issue of declarations and notices.

6. The instructions laid down in rules 8 to 22, Chapter I, for the preparation and submission of plans and estimates, and for the issue of declarations and notices, will apply. When issuing orders for the acquisition of land for a new railway, Government will inform the Board from whom funds are to be obtained and to whom accounts are to be furnished.

Demarcation of land by the railway officers.

7. After issue of the declaration, the Collector, or the officer appointed to take up the land, will call on the officer who conducted the preliminary investigation, or some other officer to be appointed on the Collector's requisition by the Department or Company on account of which the land is to be occupied, to mark out the boundaries of the land. These marks, whether pegs or trenches, must be in exact accordance with the plans or instructions, and the termination of each mile must be clearly defined by

side pegs and a cross nicking. The numbers (reckoned consecutively from the starting point of the line) of the miles of which they severally mark the termination and commencement should be painted on the front and back of each peg respectively. The officer entrusted with the execution or supervision of this work should himself mark the spot where the line passes out of one district into another.

Appointment of ameen or surveyor to make measurements necessary for fixing value of land and for preparing schedules.

8. The officer appointed to take up the land will then appoint an ameen or surveyor to make the measurements necessary for fixing the value of the land and for preparing schedules.

Scale of, and particulars to be given in, ameen's plans which should correspond with the Engineer's plans.

9. The Ameen's maps for all railways, roads, and canals, should be prepared on paper or tracing-cloth and should correspond each to each with those of the professional officer, and each one should represent a mile according to the marks on the ground where the termination of each mile is represented by a cross nicking. The maps must show the different holdings, and the boundaries of each village differently coloured, and should be on the scale of 100 feet to the inch. Each plot or dag of the ameen's measurement is to be numbered consecutively from the beginning of each mile; and the area of each plot (in standard bighas of 14,400 square feet and in acres, roods and poles) with the name of the proprietor should be noted on the face of the plan. In the cases of lands required for railways, a separate series of numbers must be given for each class of land (A, B, C, or D), and a separate schedule of each class of land in each mouzah should also be given on the face of the plan.

Form of schedule to be prepared from plan.

10. From each separate plan is to be prepared a separate schedule in the form given in Appendix XX. A separate plan and schedule must be prepared for each of the broken parts of a mile on either side of the boundary, so as to keep the records of each district separate. Similarly when the termination of a mile does not coincide precisely with the boundary of a holding, the holding must be broken up into the portions lying on either side of the termination of a mile, and entered in the schedule accordingly.

Correctness of the ameen's plan and schedule of each mile should be tested, and the quality of land and value of houses, &c., appraised.

11. As soon as the plan and schedule of each mile, or portion of a mile, is completed, it should be submitted by the ameen to the officer appointed to take up the land, who will immediately test the correctness of the ameen's work in every particular, making any alterations that he may think necessary in red ink, and returning the rough copy to the ameen to be copied fair, as finally approved. The officer will, at the same

time, *himself* appraise the quality of the land and the value of the houses, trees, or crops upon it.

Ameen should prepare abstract or *khatian*.

12. The ameen will prepare the usual abstract or *khatian* of his survey and measurements as directed in rule 17, Chapter I.

Register of cases.

13. The officer appointed to take up the land will then issue the notices prescribed by section 9 of the Act, and prepare a register in the form given in Appendix XXI, in which he will enter the particulars of each case separately. It is desirable, as far as possible, to treat as one case all the land *in one plan* for which compensation is to be paid to one person or set of persons.* The cases should be entered in separate groups according to the nature of the tenure as "revenue-free," "revenue-paying," &c.

Correctness of area entered in register should be tested.

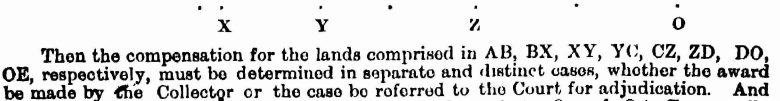
14. There should be a separate register for each separate mile, or portion of a mile, to correspond with the separate plan and schedule of the ameen or surveyor. The register cannot be completed until the proceedings are finally closed, but the officer should at once test the correctness of the areas entered in it by comparing the total area which it shows (which must of course be *identical* with that shown in the corresponding plan and schedule of the ameen or surveyor) with the gross area of the whole mile as shown in the original plan (*see* rule 2 above). If the result be a difference of more than 2½ per cent., the cause must be investigated and (if correction is impossible) recorded. But correction must always be made where practicable, as a difference of area is a proof that one of the two plans is incorrect.

Abstract register to be prepared when the register and records of each mile are complete.

15. As soon as the register and records of each mile are as complete as the officer can make them, they shall be forwarded to the Collector of the district, who, when he has received all the records of the portion of the line which passes through his district, will prepare an abstract in the form given in Appendix XXII.

* *Vide* rule 36, Chapter 1, which provides that "the reference to be made by the Collector to the Court under section 15 or 43 shall in no one case cover more land than is included in any one of the mile plans prepared by the surveyor." The course to be adopted will be better understood from the following illustration :—

Let AB, BC, CD, DE, be mile sections of a strip of land required for a road. Let AX, XY, YZ, ZE represent the portions of the strip which are severally included in distinct estates, and let O mark the intersection of the strip and the district boundary.



Then the compensation for the lands comprised in AB, BX, XY, YC, CZ, ZD, DO, OE, respectively, must be determined in separate and distinct cases, whether the award be made by the Collector or the case be referred to the Court for adjudication. And in this illustration the cases comprising the lands from A to O and O to E severally will of course be disposed of by the authorities of the district in which the areas in question are respectively included.

16. The abstract should be bound up with the registers, and schedules, and with the counterfoils of the receipts given for the compensation paid, and should be deposited in the record-room with a proper label upon it.

Abstract should be bound up with registers, &c., and deposited in the record-room.

17. The Engineer's mile plans should be sent, with the copies of the ameen's mile plans which are forwarded to the Board with the final reports for confirmation of the proceedings taken, only in the case of lands acquired for railways. Neither of these plans should be submitted when lands are taken for roads or canals.

Engineer's plans should be sent with the ameen's plans to the Board with the final reports.

18. All lands required for any railway under class B will, in the first instance, be permanently acquired by Government in accordance with the general rules, except in the neighbourhood of towns and other places of importance where the land is above the ordinary value. Such portions of B class lands as will not suffer deterioration while in the possession of the Railway officers may, to secure economy, be taken temporarily.

When and where B class land may be taken temporarily.

19. No Railway officer shall obtain possession of land, whether by purchase, lease, or on simple toleration, except through the Revenue authorities. As soon as land is made over to the Railway officer, a certificate of possession should be taken from him, and a copy of it should be sent to the Board for information.

Possession of land will be given by the Revenue authorities, who will take certificates.

20. When the necessity for occupation ceases, the land belonging to any railway will be restored to Government, the proper time for this being determined by the Consulting Engineer in the case of lands relinquished by Companies, and by the Engineer-in-Chief when no longer required for State Railways, or other controlling officers.

Land will be restored to Government when no longer required.

21. When the land is restored, Government will issue orders to the Board for its resumption and sale, and on receipt of these orders, the Board will depute a competent officer to verify on the spot the plans prepared by the officer who acquired the land and by the Engineers of the Railway.

On receipt of order to sell land, an officer will be deputed to verify on the spot the Acquisition Officer's and the Engineer's plans.

22. The Manager or Agent of the Railway, as the case may be, may, on receipt of an application from the Board, at his discretion help the officer deputed to verify the plans by allowing him the use of a trolly, with men, and in any other way that may be necessary to enable him to carry on the work of verification as completely and expeditiously as possible.

Railway officers will help the officer deputed by allowing him a trolly, and in any other manner necessary

"but copies of the amin's plans, duly certified by the Collector as showing the lands actually acquired, should be furnished to the Executive Engineer concerned." 13-9-91.

When any portion of the resumed land is required by the Railway, the Board will be furnished with a copy of the orders of Government sanctioning its retention

23. In verifying the plans, the officer will first, in communication with the Manager or Agent, as the case may be, ascertain if any portion of the resumed land is required by the Railway. If so, the orders of Government for the retention of the land should be obtained by the Manager or Agent, and a copy forwarded to the Board.

On completion of verification, a set of verified plans will be sent to the Collector with orders to sell the land not required.

24. On the completion of the verification, the officer will prepare two sets of verified plans with schedules written on them, and one of these sets will be forwarded by the Board to the Collector with instructions to sell the land not required. This set of plans will be used by the Collector for the purpose of dividing the land into lots for sale. When this is done, the lots should be numbered consecutively, and as each lot is sold, the particulars of the price realized, &c., should be entered in the several columns of the Lotbundi Register (Appendix XXIII) and the signature of the purchaser taken in the column intended for the purpose.

When and where sales should be held.

25. Ordinarily, Collectors will use their own discretion as to the time and place of sale, but in no case should land be sold until the final report of the proceedings taken for the acquisition of the land has been prepared, or if the land has been taken up by a special officer, until the final report has been submitted to the Collector.

Publication of sale, and form of advertisement

26. The date of sale should be fixed at least six weeks after the date of the first publication in the *Calcutta Gazette* of the advertisement of sale. Local publicity, by beat of drum and by all other means considered necessary, should be given of the intended sale. The advertisement of sale (in the form in Appendix XXIV) should be forwarded by the Collector to the Superintendent of Government Printing, Bengal, for publication.

Submission of statement of lots sold and of sale proceeds.

27. A statement in the form in Appendix XXV, of the lots sold and of the sale proceeds, should be submitted quarterly to the Commissioner for approval of the sales, a copy being at the same time sent to the Manager or Agent, in order that he may, if he considers the prices realized unreasonably low, refer the matter to the Board. The Commissioner should submit this statement to the Board, with an expression of his opinion whether the sales should be confirmed or not A note should be made by the Collector in the last statement that no more land remains to be sold

Sale proceeds should be credited to the Railway concerned, and purchasers put in possession and supplied with sale certificates and an extract from the plan

28. After the confirmation of the sales by the Board, the proceeds should be credited to the Railway concerned in the case of State Railways, and to Government in the Civil Department in the case of Guaranteed Railways and Railways constructed by assisted or private companies, and the purchasers should be put in

possession of the land by the Collector and supplied with a certificate of sale (Appendix XXVI), together with an attested extract from the Lotbundi plan, referred to in rule 24, showing the exact position of the particular lot as well as its measurement. The certificate should be in duplicate; and the original, which should be given to the purchaser, should bear the *ad valorem* stamp required, the cost of which will be borne by the purchaser.

Records of title by whom to be prepared, attested and kept.

29. Two complete sets of plans are prepared at the time the verification takes place, and one of them is sent to the Collector, *vide* rule 24 above. In order to secure a correct record of title for all Railway lands, two more sets of plans will be prepared in the Board's office from the remaining set, and after the confirmation of the sales by the Board, three sets of schedules and three copies of registers of title will also be prepared, in the forms given in Appendices XXVII and XXVIII for State Railways and in Appendices XXIX and XXX for Guaranteed Railways and Railways constructed by assisted or private companies. One set of plans and schedules and a copy of the register of title will be sent, in the case of State Railways, to the Manager, and in the case of Guaranteed Railways and Railways constructed by assisted or private companies, to the Consulting Engineer to the Government of India. Of the remaining two sets, one will be sent to the Collector of the district, and the other will be kept in the office of the Board of Revenue. All these three sets will be attested by the Secretary to the Board, the Manager of the Railway, and the Under-Secretary to the Government of Bengal, Public Works Department, Railway Branch if for a State Railway, and by the Secretary to the Board, the Agent or Chief Engineer of the Railway, and the Consulting Engineer to the Government of India if for a Guaranteed Railway or a Railway constructed by an assisted or a private company. All subsequent additions or alterations should be carefully noted in these records by the officers concerned.

Erection by Railway officers of masonry pillars to mark boundaries of permanent lands.

30. It will be advisable for the Railway officers, in order to prevent any doubts arising as to the exact boundaries of permanent lands, to raise masonry pillars at convenient distances on either side of the line.

Periodical adjustment of boundaries of land.

31. It is the duty of the Consulting Engineer to the Government of India for Railways, and the Engineer-in-Chief or other controlling officers of State Railways, in conjunction with Engineers in charge of railways and the revenue authorities, periodically to adjust the boundaries, the controlling officers being held specially responsible for any excess or deficiency in the land held for railway purposes, as well as for the punctual fulfilment of the foregoing rules in their several departments, and for the careful record of correct registers, plans and schedules in their respective offices.

29 In the case of a railway constructed by a Company, a fifth set of the plans will be prepared in the Board's office, and sent to the Agent of the Railway through the Consulting Engineer to the Government of India for Railways. 11-1-93.

PART 4.

SPECIAL RULES ISSUED AFTER CONSIDERATION OF THE CONTRACT OF JANUARY 1880, ENTERED INTO BETWEEN THE SECRETARY OF STATE FOR INDIA IN COUNCIL AND THE EAST INDIAN RAILWAY COMPANY.

Distinctions as to classes of land ceased from the 1st January 1880.

1. All distinctions as to classes of land in the possession of the East Indian Railway Company that existed prior to the 1st of January 1880, shall cease from that date.

What charges should be met by the Railway.

2. From and after the 1st January 1880, the East Indian Railway Company, when taking up land, shall pay the value of the land, including cost of clearances and compensation to owners and occupiers, plus the capitalized value of the abatement of land revenue, and the expenditure necessary in the different processes required in the taking up of the land.

Mode of calculating the capitalized value of the abatement of revenue.

3. The capitalized value of the abatement of land revenue is the amount which, invested in 4 per cent. Government securities, at the market rate of the day, will produce interest equal to the abatement.

Value of Government land by whom and how to be appraised.

4. If the land required for the East Indian Railway Company be the property of the State, its value shall be the value as appraised by the revenue authorities at the time of its transfer to the undertaking, inclusive of incidental expenditure.

How and to whom the value of land is to be paid.

5. All lands required under these rules shall be taken up through the principal revenue officer of the district within which such lands are situated. If the land be the property of private individuals, payment shall be made for it to its owners in the manner described in rules 4 and 5 of chapter 6 of the Civil Account Code, volume I, 4th edition. If the land be the property of the State, the principal revenue officer of the district aforesaid shall complete his valuation and award, and shall communicate the same to the Provincial Accountant-General or Comptroller, as the case may be, for recovery from the East Indian Railway Company.

How amounts recoverable from the Railway should be adjusted.

6. The amounts declared recoverable from the East Indian Railway Company, in respect of lands taken up under these rules, shall be adjusted according to rule 8, chapter 62 of the Civil Account Code, volume II, 4th edition.

APPENDIX I.

[SEE CHAPTER I, RULE 4.]

Form of Notification under Section 4, Act X of 1870.

WHEREAS it appears to the Lieutenant-Governor of Bengal that land is likely to be required to be taken by Government at the public expense for a public purpose, viz., for , in the village of , pergunnah , zillah , it is hereby declared that for the above purpose a piece of land measuring, more or less, bighas cottahs chittacks of standard measurement, bounded on the [*here specify the boundaries*], is likely to be required within the aforesaid village of

This declaration is made, under the provisions of section 4 of Act X of 1870, to all whom it may concern.

Collector.

Dated 18 .

APPENDIX II.

[SEE CHAPTER I, RULES 10 TO 12.]

Form of Declaration under Section 6, Act X of 1870.

WHEREAS it appears to the Lieutenant-Governor of Bengal that land is required to be taken by Government at the public expense, for a public purpose, viz., for ., in the village of , pergunnah , zillah , it is hereby declared that for the above purpose a piece of land measuring, more or less, bighas . cottahs chittacks of standard measurement, bounded on the [*here specify the boundaries*], is required within the aforesaid village of

This declaration is made, under the provisions of section 6 of Act X of 1870, to all whom it may concern.

Collector.

Dated 18

APPENDIX III.

[SEE CHAPTER I, RULE 13.]

Form of Declaration under Section 6, Act X of 1870, and Section 3, clause (1), Act XVIII of 1885.

WHEREAS it appears to the Lieutenant-Governor of Bengal that land is required to be taken by Government at the public expense for a public purpose, viz., for , in the village of , pergunnah , zillah , it is hereby declared that for the above purpose a piece of land measuring, more or less, bighas cottahs chittacks of standard measurement bounded on the (*here specify the boundaries*), is required within the aforesaid village of

Mines of coal, iron-stone, slate or other minerals lying under the land, or any particular portion of the land, except only such parts of the mines and minerals as it may be necessary to dig or carry away, or use in the construction of the work for the purpose of which the land is being acquired, are not needed.

This declaration is made, under the provisions of section 6, Act X of 1870, and section 3, clause (1), Act XVIII of 1885, to all whom it may concern.

Collector.

Dated 18 .

APPENDIX IV.

[SEE CHAPTER I, RULE 22.]

Form of General Notice to be published under clauses 1 *and* 2, *Section* 9, *Act X of* 1870, *for land to be taken up.*

NOTICE is hereby given that bighas cottahs chittacks, more or less, of land situate in or near the village of , bounded as below, and recently marked out and measured, are about to be taken by Government for a [*here specify the purpose*], under Act X of 1870, in accordance with a declaration, No. , dated , published in the Government Gazette of the . All persons interested in this land are hereby called upon to appear personally or by agent on the [*enter a date not less than fifteen days from the date of the publication of the notice*] at the office of , at , to state the nature of their interest in the land, and the amount and particulars of their claims to compensation for the same.

Boundaries.

North— | East—
South— | West—

Dated 18 . *Collector.*

APPENDIX V.

[SEE CHAPTER I, RULE 22.]

Form of Special Notice to be issued under clauses 3 *and* 4, *Section* 9, *Act X of* 1870, *to occupiers of the land to be taken up, and other persons known or believed to be interested in it, or to be entitled to act for persons so interested.*

NOTICE is hereby given that bighas cottahs chittacks, more or less, of land situate in or near the village of bounded as below, and recently marked out and measured, are about to be taken by Government for a [*here specify the purpose*], under Act X of 1870, in accordance with a declaration No. , dated , published in the Government Gazette of the . If you have any interest in this land, or are entitled to act for persons so interested, you are hereby called upon to appear personally or by agent on the [*enter a date not less than fifteen days from the date of the publication of the notice*] at the office of , at , to state the nature of such interest in the land, and the amount and particulars of any claim you may wish to prefer for the same.

Boundaries.

North— | East—
South— | West—

Dated 18 . *Collector.*

APPENDIX VI.

[SEE CHAPTER I, RULE 22.]

Form of Requisition under Section 10, *Act X of* 1870, *to be added when necessary to Notice in Appendix V.*

YOU are hereby required to furnish the undersigned with a statement containing, so far as may be practicable, the name of every person possessing any interest in the land, or any part thereof, referred to in the notice of served on you, as co-proprietor, sub-proprietor, mortgagee, tenant, or otherwise, and of the nature of such interest, and of the rents and profits (if any) received or receivable on account thereof for the year next preceding the date of the statement.

Dated 18 . *Collector.*

Appendix VII.

[See Chapter I, Rule 26.]

Register No. 5 of Land Acquisition cases under Act X of 1870.

1	2	3	4	5	6	7	8	9	10	11	12	13	14
Serial number.	Page and date of Gazette where declaration under section 6 of Act X of 1870 is to be found.	Name of claimant.	Area of land in acres, and name of estate.	Purpose for which land is taken by Government.	Date of institution of case.	Value awarded by Collector, and date of award.	Date of reference to the Civil Court.	Amount of compensation given by Civil Court, and date of order.	Amount of costs and assessors' fees paid by Collector under sect ons 32 and 33.	Result of appeal under section 35.	Date of payment.	Abatement of revenue, if any, and date from which it takes effect.	Remarks.

Note.—Columns 8 to 11 inclusive are only to be filled up in the event of a reference being made to the Civil Court.

APPENDIX VIII.

[SEE CHAPTER I, RULE 39.]

Land Acquisition.

Case No. of 18 .

Proceedings under section 11, *Act X of* 1870.

Name of Project.

Number and date of the declaration under which the land is to be acquired.

Declaration No. , dated
published at page , Part of the *Calcutta Gazette* of the

Situation and extent of the land in bighas and acres, the number of field plots on the survey map, the village in which situated, with the number of mile plan, if any.

Description of the land, *i e.*, whether fallow, cultivated, homestead, &c. If cultivated, how cultivated.

Date fixed for enquiry and date of postponement, if any.

Names of persons interested in the land and the nature of their respective interests.

Amount allowed as compensation for the proprietary interest in the land.

Amount allowed as compensation for the tenants' interest in the land.

Basis of calculation, viz., annual value per bigha for each class of land and number of years' purchase taken.

Amount allowed as compensation for crops, trees, houses, huts, &c.

Damages under clauses 2 and 3, and expenses incidental to change of residence under clause 4, section 24, Act X of 1870.

Total Rs.

Total Rs. (in words).

Acceptance of the offer of compensation.

Award under section 14, Act X of 1870, with particulars of abatement of Government revenue, or of the capitalized value paid, the date from which the abatement takes effect, and the towji number of the mehal.

Apportionment of the amount of compensation.

Names of claimants.	Market value of the land.	Additional compensation under section 42.	Total.	Capitalized value of Government revenue	Damages awarded.	Expenses of removal.	Amount of interest from	Grand total.	REMARKS.

Date on which possession was taken under section 16 or 17, Act X of 1870, or in any other manner. If under section 17, the number and date of the order of Government giving authority to do so.

Dated 18 *Collector.*

APPENDIX IX.

[SEE CHAPTER I, RULE 39.]

Land Acquisition.

Case No. of 18 .

Reference to the Civil Court under section 15, *Act X of* 1870.

Name of Project.	
Number and date of the declaration under which the land has been acquired.	Declaration No. , dated , published at page , Part of the *Calcutta Gazette* of the
Situation and extent of the land, the number of field plots on the map, the name of the village, and the number of mile plan, if any.	
Names and addresses of the persons who claim to be interested in the land.	
Amount awarded for damages, and paid or tendered under sections 5 and 17.	
Compensation tendered under section 11, or if no claimant has attended pursuant to notice, the amount of compensation which the Collector is willing to give.	*For land.* *For crops, trees, houses, huts, &c.* Total Rs Total Rs. (in words).
Grounds on which the amount of compensation was determined.	

Grounds of reference to the Civil Court.

Dated 18 *Collector.*

APPENDIX X.

[SEE CHAPTER I, RULE 39.]

Land Acquisition.

Case No. of 18 .

Reference to the Civil Court under Section 38, *Act X of* 1870.

Name of Project.	
Number and date of declaration under which the land has been acquired.	Declaration No. , dated , published at page , Part of the *Calcutta Gazette* of the
Situation and extent of the land, the number of field plots on the map, the name of the village, and the number of mile plan, if any.	
Names and addresses of the persons interested in the land, and the nature of their respective interests.	
Amount of compensation awarded under section 14.	

Grounds of reference.

Dated 18 *Collector.*

APPENDIX XI.

[SEE CHAPTER I, RULES 51 TO 54 AND 73.]

Rules for the payment of compensation for land taken up under the Land Acquisition Act, X of 1870.

1. After all preliminaries in respect to estimate, &c., that may be required under departmental rules in force for the time being have been duly carried out, the land will be taken up under the Act either by the Collector or by some special officer who is placed at the disposal of the Public Works Department, and invested with the powers of a Collector under the Act; the procedure differs in the two cases.

2. Officers who are especially employed for this work, being invested with the powers of a Collector under the Act and placed at the disposal of the Public Works Department, are regarded as Public Works disbursers, and are supplied with funds in the same manner as an Executive Engineer, as described in Chapter 24 of the Civil Account Code. The following procedure shall be observed by such officers.

3. When the amount of compensation is accepted by the persons interested, and an award is made under Section 14 of the Act, the officer shall have a statement prepared in the appended form (marked A) showing the amounts payable to each person under the award, and shall on the day the award is made forward a copy of the statement, signed by himself, to the Examiner of Public Works Accounts with whom he is in account. Before signing the copy, the officer should carefully satisfy himself that it correctly shows the amounts due under the award, and should himself, both in the original and copy, enter the total of column 6 of the statement in words.

4. In paying the amounts due under the award, the officer shall take the receipt of each person to whom money is paid on a separate voucher in the accompanying form (marked B), containing a reference to the item showing the amount due to that person in the statement prescribed in the preceding paragraph: the date of payment should also be noted on the voucher. The officer shall forward the receipts of the payees to the Examiner of Public Works Accounts with whom he is in account when forwarding to him the account of the month in which the payments are made.

5. In the event of the payees not presenting themselves for payment within a year from the date of the award, the amounts due may be paid into the treasury on revenue deposit and vouched for in the accompanying form (marked C). Every endeavour should, however, be made to secure the presence of the payees to receive payment, so as to avoid as far as possible payment into the treasury on deposit. When the payees ultimately claim payment of sums placed on deposit, the amounts will be paid to them in the same manner as ordinary revenue deposits, under the authority of the Collector.

6. When the compensation offered is not accepted by the persons interested, and the amounts payable are consequently settled by the award made by the Court under the provisions of part III of the Act, the special officer shall, as soon as he ascertains what the award of the Court is, prepare a statement in form A showing the amounts due under the award, and forward a copy to the Examiner in the same manner as prescribed in rule 3. In paying the amounts due under such award, the officer shall take from each person to whom a payment is made a receipt in Form B, or in the event of the payees not presenting themselves for payment within a year from the date of the award, from the Treasury Officer in Form C, containing a reference to the entry showing the amount due in the statement just

referred to, and shall forward those receipts to the Examiner of Public Works Accounts in forwarding to him the accounts of the month in which the payments are made.

7. The special officer should, as far as possible, arrange to make the payments due in or near the village to which the payees belong. This will make it more easy to secure the attendance of the payees, and so reduce the number of sums which it will be necessary to place on deposit under rule 5.

8. In any case in which a reference is made to the Civil Court, and the award of the Court is not made till after the special officer has been relieved of his special duties, the payments due under the award shall be made by the Collector, who will observe the same procedure as if the reference to the Civil Court had been made by himself, as prescribed in rules 9 and 10 below.

9. When the land is taken up by the Collector or other Civil Officer not specially employed for the work, such Collector or Civil Officer is not a Public Works disburser, but draws money for payment due under the award made by him or by the Civil Court from the Civil Treasury. Such Collector or Civil Officer shall, as soon as he makes the award or as soon as he ascertains that an award has been made by the Civil Court, prepare a statement in Form A showing the amounts due, and forward a copy thereof to the Examiner of Public Works Accounts concerned in the manner prescribed in rules 3 and 6.

10. In making the payments due under the award, the Collector shall take from each person to whom payment is made a receipt in Form B containing a reference to the particular entry in the award showing the amount due to the payee. These receipts will be the Treasury Officer's vouchers for the payments, and shall be forwarded by him with the accounts of the month to the Accountant-General of the province, who will in ordinary course forward them to the Examiner of Public Works Accounts. In the event of the payees not presenting themselves to receive payment within a year from the date of the award, the amounts due may be placed on revenue deposit, and receipts taken in Form C in the same manner as is provided in rule 5.

11. The Treasury Officer has no concern with the award or with the award statement; he makes the payments on the authority of the Collector or other officer assessing compensation. The Collector may either draw the amount due to each payee separately, in which case he should countersign the receipt in Form B, and make it payable at the Treasury to the payee, altering the words "Paid in my presence $\frac{\text{in cash}}{\text{by cheque}}$" to "Pay"; or he may draw the total amount due under the award on his own receipt as an advance, and after making the payments forward the receipts of the payees to the Treasury Officer in adjustment of the advance. In the former case, an advice list of the forms passed for payment should be sent to the Treasury Officer, who in turn should send weekly an advice of orders paid.

12. Whether the payment is made by a special officer or by the Collector (or other Civil Officer), the audit of the Examiner of Public Works Accounts shall consist in seeing that every payment is supported by a receipt in Form B or C, and that the amount paid on such receipt is the amount payable to the payee under the award, as shown in the statements of which he will have received copies under the preceding orders. The Examiner will also note in the last column of Form A the date on which possession is taken as reported to him by the Executive Engineer or other officer.

13. The Examiner will, as he receives the vouchers, fill in the entries in column 8 of the award statement (Form A); and as he receives the reports of possession he will fill in the entries in column 9: when all the vouchers showing either payment to the payee or payment into the treasury on deposit and the reports of possession have been received, he will forward a copy of the completed statement in Form A to the Chief Revenue authority This will complete the audit of the Examiner; any other or further return

or reports from the officers who assess or pay compensation, and any reports regarding the payment of sums placed on deposit under rules 5 and 10 above, will be disposed of by the Chief Revenue authority without reference to the Examiner

14. When the land is acquired for, and the cost is debitable to, the Military Works Department, the procedure above laid down will be observed, the Examiner of Military Works Accounts being substituted for the Examiner of Public Works Accounts

15. When the land is acquired for, and the cost is debitable to, any other Department than the Public Works Department or Military Works Department, the procedure will also be the same, the Account Officer who will audit the payments being substituted for the Examiner of Public Works Accounts.

16. In any case in which land is acquired for a Municipality or other body financially independent of Government, the Local Government may direct that the payments instead of being made and audited in the same manner as the ordinary payments of such body, shall be made and audited as if the land were being acquired for Government. If the Local Government issues such an order, the Collector or other officer who makes payments on account of the land acquired shall draw funds from the treasury and make payments in the manner laid down in these rules, using the forms prescribed, and shall render his accounts to the Civil Accountant-General. The Municipality or other body will pay the estimated cost of the compensation to the credit of Government in advance on such dates and in such instalments as the Local Government may direct, further payment to Government being required as soon as the Accountant General reports that the payments made exceed the amount received in advance. The Accountant-General will deal with the accounts and payments as prescribed in these rules, debiting the payments against the advances received from the Municipality or other body.

A.

No. and Date of Statement ——————— .

Date of Award ——————— .

Name of work for which land has been acquired ———————

No. and date of declaration in *Gazette, viz.*, No. —— , dated ——

page ——— .

Statement showing compensation awarded by ——————— *under Section* ———, *Act X*, 1870, *to all the persons interested in the plot of land situated in the village of* —— —— , *in estate* ——— , *No.* —— *on the Revenue Roll of the District of* ——— , *Pergunnah* ——— .

1	2	3	4	5	6	7	8*		9*	
Serial number.	Names of persons to whom payment is due under the award.	Area of land.	Abatement of Land Revenue.	A valuation of any buildings that may be taken up on the land.	Total amount due to each person, including the amount shown in column 5, the amount awarded for the land, interest, costs and any other amounts due to the payee in connection with the acquisition of the land.	Remarks.	Number and Date of Voucher.		Date on which possession of the land was handed over to the Departmental authorities for whom it is acquired.	
							Number.	Date.	Date.	Reference to the report, stating the date.
		A. B. P.	R. A. P.	R. A. P.	R. A. P.					

* To be filled up in the Examiner's office.

Note.—Each award statement should be confined to the lands to be taken under one declaration, *i.e.*, the awards given for lands acquired under more than one declaration should not be incorporated in one statement, but as many separate statements submitted as there are declarations.

B.

No. of Voucher _____

Name of work for which the land has been acquired _____

Serial No. _____ in Award Statement No. _____, dated _____

Name of payee _____

I _____ of _____

pergunnah _____, zillah _____

do hereby acknowledge to have received Rs. _____

_____ on account of cost of land taken up by Government, as detailed on reverse.

Signature of the payee _____

Locality _____

NOTE.—The receipt should be in English; but when the payee is unable to write in English, he may give a receipt in the vernacular.

B.

No. of Voucher _____

Name of work for which the land has been acquired _____

Serial No. _____ in Award Statement No. _____, dated _____

Name of payee _____

I _____ of _____

pergunnah _____, zillah _____

do hereby acknowledge to have received Rs. _____

_____ on account of cost of land taken up by Government, as detailed on reverse.

Signature of the payee _____

Locality _____

NOTE.—The receipt should be in English; but when the payee is unable to write in English, he may give a receipt in the vernacular.

(REVERSE OF FORM B)

DETAILS OF LAND. &C., AND THEIR VALUES.

Mouza ——— , *Pergunnah* ——— , *Zillah* ———

Land ——— *Bigha* ——— *Kotta* ——— *Chuttack.*

Value ——— *Rupees* ——— *Annas* ——— *Pies*

(REVERSE OF FORM B.)

DETAILS OF LAND &C , AND THEIR VALUES.

Mouza ——— *Pergunnah* ——— , *Zillah* ———

Land ——— *Bigha* ——— *Kotta* ——— *Chuttack.*

Value ——— *Rupees* ——— *Annas* ——— *Pies.*

C.

Name of work for which land has been acquired ————

To the Officer in charge of ———— *Treasury.*

Please receive for transfer to credit of Revenue deposits the sum of Rs. ———— *on account of compensation for land taken up for the above purpose, payable as detailed below :—*

Serial No. in Award Statement No.	Names of parties.	Area of land	Amount payable to each.			Remarks.
		Acres.	Rs.	A.	P.	
	Total					

Land Acquisition Officer.

Dated 18 .

Received the above amount and credited to Revenue deposits.

Treasury Officer.

NOTE.—This form should be used when the amounts of compensation due are sent to Treasury in the absence of proprietors who have failed to present themselves for payment.

C.

Name of work for which land has been acquired ————

To the Officer in charge of ———— *Treasury.*

Please receive for transfer to credit of Revenue deposits the sum of Rs. ———— *on account of compensation for land taken up for the above purpose, payable as detailed below :—*

Serial No in Award Statement No.	Names of parties.	Area of land.	Amount payable to each.			Remarks.
		Acres.	Rs.	A.	P.	
	Total					

Land Acquisition Officer.

Dated 18 .

Received the above amount and credited to Revenue deposits.

Treasury Officer.

NOTE.—This form should be used when the amounts of compensation due are sent to Treasury in the absence of proprietors who have failed to present themselves for payment.

Appendix XII.

[See Chapter I, Rule 60.]

Table for calculating the 15 *per cent. additional compensation under section* 42 *of Act X of* 1870.

Rs.	A.	P.		Rs.	A.	P.	Fractions.
.....	...	1		...	.	...	1/16
... .	...	2		..	...	...	1/8
.... .	...	3			...	..	3/16
.....	...	4			...	...	1/4
... .	...	5		. .	...	..	5/16
...	...	6		... .	...		3/8
.. ...	...	7		.. .	...	1	7/16
... ..	...	8		...	.	1	1/2
.....	...	9			.	1	9/16
.....	...	10		... .	..	1	5/8
.. ..	..	11		. .	..	1	11/16
.....	1	.		.. ...		1	3/4
.. ...	2	...		.. ..		3	13/16
.. ...	3	.		... ..	...	5	7/8
.. ..	4	...		.. ..	..	7	15/16
.....	5	...		. ..	...	9	...
.....	6	...		.. ..	..	10	1/16
....	7	...		.	1	. .	1/8
... ..	8	...			1	2	3/16
...	9	. .			1	4	1/4
... ..	10	...		..	1	6	...
.....	11	...		.. ..	1	7	1/16
. . .	12	...		.	1	9	1/8
.....	13	...			1	11	3/16
.....	14	...		..	2	1	1/4
.....	15	.		..	2	3	...
1	. .	. .		..	2	4	1/16
2	...	...		.	4	9	1/8
3	...	...		. ..	7	2	3/16
4	...	...		.. ..	9	7	1/4
5	...	...		. ..	12	4	. ...
6	. .	...		.	14	..	1/16
7	...	...	1		0	9	1/8
8	...	...	1		3	2	3/16
9	...	..	1		5	7	1/4
10	...	...	1		8	..	. ...
11	..	...	1		10	4	1/16
12	..	...	1		12	9	1/8
13	...	...	1		15	2	3/16
14	...	...	2		1	7	1/4
15	...	..	2		4	..	.. .
16	...	...	2		6	4	1/16
17	...	...	2		8	9	1/8
18	...	...	2		11	2	3/16
19	...	...	2		13	7	1/4
20	...	...	3		..	...	.. ..
30	...	...	4		8	...	. .
40	...	...	6		..	..	.
50	...	.	7		8	...	.. ..
60	...	...	9		..	...	. ...
70	...	...	10		8	...	.
80	...	.	12		...	..	...
90	...	...	13		8	...	.. ...
100	..	...	15		...	...	.....

APPENDIX XIII.

[SEE CHAPTER 1, RULE 67.]

Final report of the proceedings taken for the acquisition of the land required for *in the district of*

Serial number of cases.	Account of any preliminary investigation under section 4, and of any award made by the Collector on reference under section 5 of the Act.	Number and date of the declaration, and page and date of the Gazette in which published, and the area declared for.	Dates of issue and service of general and special notices under section 9.	Date fixed for enquiry under section 11 and, if any postponements have been allowed, the date of final enquiry.	Date of award under section 14, or of reference under section 18 or section 38.	Date on, and section of the Act under, which possession of the land is taken. If by written consent, date of such possession and date of subsequent formal possession under section 16 or 17 of the Act. If under section 17, number and date of Government order authorizing possession under that section.	Date of award of the Civil Court under section 34, or of apportionment under section 39, and explanation of the difference, if any, between the Collector's tender and the award of the Court.	Date of decision of the appeal under section 35 or section 39 from the decision of the Civil Court.	Apportionment of compensation under Part IV of the Act.	Payment under Part V of the Act.	Account of any proceeding under Part VI of the Act.	REMARKS.
1	2	3	4	5	6	7	8	9	10	11	12	13

Dated 18 *Collector.*

APPENDIX XIV.

[SEE CHAPTER I, RULE 67.]

Statement showing the area, and the expenditure incurred in the acquisition, of the land required for in the district of

Number of mile or plan.	Number and date of Government orders sanctioning acquisition of land.	Names of mouzahs.	Area of land acquired. Free of cost.			On payment of compensation.			Total.			Amount of Government revenue abated, and date from which the abatement takes effect.			Capitalized value of Government revenue paid to proprietors.			Capitalized value of Government revenue paid to Government.			Compensation for land, including trees, houses, &c.			Additional compensation under section 42 of the Act on the amount shown in column 10.			Amount of damages.			Total of columns 8 to 12.		
1	2	3	4			5			6			7			8			9			10			11			12			13		
			A.	R.	P.	A.	R.	P.	A.	R.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.

Dated 18 .

Amount of interest on columns 10 to 12.	Costs decreed against Government.	LANDS TEMPORARILY OCCUPIED UNDER SECTION 43 OF THE ACT.			Other expenses, *i.e.*, establishment charges, &c.	Total expenditure incurred in taking up the land, *i.e.*, total of columns 13 to 15, 18 and 19.	From whom funds were obtained, and if from the Treasury, the fund or particular item of the budget against which the expenditure has been charged.	Explanation of difference between the amount sanctioned and the total expenditure shown in column 20, when it exceeds 15 per cent.	REMARKS.
		Number and date of Government orders.	Area.	Amount paid.					
14	15	16	17	18	19	20	21	22	23
Rs. A. P.	Rs. A. P.		A. R. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.			

Certified that the prices awarded are not in excess of those for which similar lands are actually sold in the same parts of the district.

or

Certified that the prices awarded are not greater than those which similar lands in the same parts of the district might be reasonably expected to command.

Collector.

INSTRUCTIONS—

(1) Columns 1 and 3 should be filled up only in cases of lands acquired for railways.

(2) In the case of all except railway projects, the *total* area acquired should be shown in columns 4 to 6 and 17; the *total* amount of Government revenue abated in column 7; and the *total* expenditure incurred under the several headings of columns 8 to 15 and 18 to 20, in those columns. In railway cases, the area acquired in *each mouzah* in each mile should be given in columns 4 to 6 and 17, and the total of *each mile* struck; the amount of revenue abated on *each mile* should be shown in column 7; and the total expenditure on *each mile* under the several headings of columns 8 to 15 and 18, in those columns. The total for *each project* should be given in columns 19 and 20.

(3) A separate statement should be submitted for *each class* of land acquired for a railway.

(4) Appendix XV should accompany this statement only in railway cases, when necessary.

Collector.

APPENDIX XV.

[SEE CHAPTER I, RULE 67.]

Statement of land acquired for *but subsequently transferred or disposed of previous to the submission of the Final Report (Appendix XIII) and Appendix XIV.*

Number of mile or plan.	Number and date of Government orders sanctioning transfer or disposal of the land.	Names of mouzahs.	TRANSFERRED FROM ONE CLASS TO ANOTHER OR TO ANY OTHER DEPARTMENT.				Date of transfer or disposal.	DISPOSAL OF LAND.						Remarks.
								By sale.		By lease.		By return to donors.		
			Area.	From class.	To class or department.	Compensation paid [col. 13 of Appendix XIV.]		Area.	Proceeds.	Area.	Annual rent.	Area.		
1	2	3	4	5	6	7	8	9	10	11	12	13		14
			A. B. P			Rs. A. P.		A. B. P.	Rs. A. P.	A. B P	Rs. A. P.	A. B. P.		

INSTRUCTION.—This statement should accompany Appendix XIV, only in railway cases, when necessary.

Dated 18 . *Collector.*

APPENDIX XVI.

[SEE CHAPTER I, RULE 70.]

Statement showing the amount of Land Revenue to be abated on account of lands in the district of *taken up*
for *during the month of* 18 .

Number of mile.	Consecutive number of case.	Name of pergunnah.	Name of village.	Number of towji.	Area of parent estate.			Amount of Government revenue of parent estate.			Area acquired.			Proportionate Government revenue to be abated.			Date from which the abatement takes effect.	REMARKS.
1	2	3	4	5	6			7			8			9			10	11
					A.	B.	P.	Rs.	A.	P.	A.	B.	P.	Rs.	A.	P.		

Dated 18 *Collector.*

APPENDIX
[SEE CHAPTER
RETURN

Progress in taking up lands for public purposes in the district

INSTRUCTIONS.—Fractions of miles, acres and rupees should be omitted, any additional whole number. In cases, however, in which shown.

NAME OF WORK AND SERIAL NUMBER.	Number and date of declaration.	Estimated total cost of acquisition including the capitalized value of revenue to be paid.	Length of work in miles.	Quantity of land declared for, or approximate area of the land to be acquired.	PROGRESS IN MEASUREMENT.		PROGRESS IN ACTUAL ACQUISITION, *i.e.*, THE AREA FOR WHICH AN AWARD HAS BEEN MADE OR REFERENCE DIRECTED TO CIVIL COURT UNDER SECTION 15.		PROGRESS IN PAYMENT OF COMPENSATION INCLUDING CAPITALIZED VALUE OF REVENUE PAID.	
					Quantity measured this month. quarter.	Total up to the end of the month. quarter.	Quantity acquired this month quarter.	Total up to the end of the month. quarter.	Amount paid or deposited under Rule XI of the Government rules under section 59 of the Act, during the month. quarter.	Total up to the end of the month. quarter.
1	2	3	4	5	6	7	8	9	10	11
		Rs.	Miles.	Acres.	Acres.	Acres.	Acres.	Acres.	Rs.	Rs.

☞ The special Land Acquisition Deputy Collector should submit this return to the The return should reach the Board not later than the 15th of the month. In submitting the at such a rate as to offer a fair prospect of its completion within the tim originally

XVII.

I, RULE 75.]

XVIII.

of *during the* *month of* / *quarter ending*

amount in excess of 880 yards 2 roods and 8 annas being shown as an the total area to be acquired is less than an acre, the exact area should be

PROGRESS.							PROGRESS IN CIVIL COURT.		FINAL REPORT FORMS.			REMARKS.
Total number of cases to be inquired into so far as can be estimated.	Number disposed of during the month. / quarter.			Total up to the end of the month. / quarter.			Number of references decided during the month. / quarter.	Total up to the end of the month. / quarter	Total number to be prepared.	Number prepared during the month. / quarter.	Total up to the end of the month. / quarter.	
	By awards under Section 14.	By references to Civil Court under Section 15.	By references to Civil Court under Section 38	By awards under Section 14.	By references to Civil Court under Section 15	By references to Civil Court under Section 38						
12	13			14			15		16			17
	13*a*	13*b*	13*c*	14*a*	14*b*	14*c*	15*a*	15*b*	16*a*	16*b*	16*c*	
No.	No.	No.	No.	No.	No.	No	No.	No.	No.	No.	No.	Number of Appendix XIII forms prepared during the month. / quarter. Ditto Appendix XIV forms do. do. *Note.*—When little or no work is done, an explanation should invariably be given.

Collector not later than the 4th of the month succeeding the month to which it relates. return the Collector should note in the column of remarks whether the work is progressing estimated.

Collector.

(REVERSE OF APPENDIX XVII.)

NOTE.—The following details should be given only when a special establishment is employed.

DETAILS OF PAYMENT.

		Rs. A. P.
(1)	Amount paid as compensation in any form up to the end of the month (*Total of column* 11 *of the Return.*)	.....
(2)	Amount spent on establishment up to the close of the previous month (*Total of headings* 2 *and* 3 *of the previous Return.*)	.....
(3)	Expenditure incurred during the period embraced by the present report on account of—	
	(*a*) Salary of Deputy Collector	.....
	(*b*) Salary of establishment	.....
	(*c*) Travelling allowance of Deputy Collector and his establishment	.....
	(*d*) Contingencies	.....
	Total expenditure during the month	
	Grand Total up to the end of the month ...	.....

Collector.

APPENDIX XVIII.

[SEE CHAPTER I, RULE 75.]

RETURN XVIII(*a*).

Progress made in the temporary occupation of land, under section 43 of the Act, for public purposes, in the district of •

during the $\frac{\text{month of}}{\text{quarter ending}}$ •

NAME OF WORK AND SERIAL NUMBER.	Number and date of order to occupy land.	Quantity of land to be occupied.	PROGRESS IN MEASUREMENT.		PROGRESS IN ACTUAL OCCUPATION.		PROGRESS IN PAYMENT OF COMPENSATION.		PROGRESS.				PROGRESS IN CIVIL COURT.		LAND RESTORED		FINAL REPORT FORMS			REMARKS
			Quantity measured this month. quarter.	Total up to the end of the month. quarter.	Quantity occupied this month. quarter.	Total up to the end of the month. quarter.	This month. quarter.	Total up to the end of the month. quarter.	Total number of cases to be enquired into so far as can be estimated.	Number disposed of this month. quarter.		Total up to the end of the month. quarter.			This month. quarter.	Total up to the end of the month. quarter.	Total number to be prepared	Number prepared this month quarter.	Total upto the end of the month quarter.	
										By Collector.	By reference to Civil Court.	By Collector.	By reference to Civil Court.	Number of references decided this month. quarter.	Total up to the end of the month. quarter.					
1	2	3	4	5	6	7	8	9	10	11		12		13		14	15	16			17
										11*a*	11*b*	12*a*	12*b*	13*a*	13*b*			16*a*	16*b*	16*c*	
		A. R. P.	A. R. P.	A. R. P.	A. R. P.	A. R. P.	Rs. A. P.	Rs. A. P.	No.	No.	No.	No.	No.	No.	No.	A. R. P.	A. R. P.	No	No	No.	

The 18 . *Collector.*

APPENDIX XIX.

[SEE CHAPTER I, RULE 75.]

Annual estimate of compensation payable in the year 18 -18 *for lands to be taken up for public purposes in the district of*

Instruction.—The classification given in column 1 should be strictly adhered to by local officers in preparing this estimate.

1	2	3	4	5	6	7	8
SERVICE.	Number of item.	Purpose for which required.	Number and date of declaration, if issued.	Probable total cost of land for each work.	Amount already paid to end of	Amount to be paid during	REMARKS.
Imperial Services.							
Military							
Agricultural (canals, irrigation, embankments)							
Civil buildings							
Guaranteed railways							
State railways							
Provincial Services.							
Embankments							
Civil buildings							
Provincial State railways							
,, irrigation							
Communications (roads)							
Canals							
Miscellaneous public improvements							
Local Funds.							
All land required by Government, the cost of which is chargeable to Local Funds ...							

Dated 18 *Collector.*

APPENDIX XX.

[SEE CHAPTER II, PART 3, RULE 10.]

Schedule of lands in the mile of the from to in the district of

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Number of plot.	Name of village.	Number of estate on the district roll, and its name.	Name of proprietor.	Name of intermediate tenant, with description of his rights.	Name of lessee or ryot with description of his rights.	Names of cultivators and owners of houses, trees, or crops.	Description and quantity of land.	MEASUREMENT OF EACH PLOT.			DESCRIPTION OF TREES.				DESCRIPTION OF PARTICULARS OF HOUSES, &C.				Description of standing crop
								South to north.	East to west.	Area in standard bighas.	Kind.	Number.	Age.	Weight.	Description.	Length.	Breadth.	Height.	

NOTE.—When the land is taken for a railway, a separate schedule in this form is to be prepared for each class of land—A, B, C, or D.

Collector.

Dated 18

APPENDIX XXI.

[SEE CHAPTER II, PART 3, RULE 13.]

Register of cases in mile of the in the district of

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
Number of case.	Name of village.	Names of persons in whose favour the award has been made.	Connection with the land.	Number of each plot in the ameen's or surveyor's plan, as per rule 9, Part 3, Chapter II.	Description of land.	Area in standard bighas and acres.	Houses, trees, crops, tanks, &c.	Name of estate and number on the rent-roll.	* Amount of Government revenue deemed payable in respect of the land as recorded by the Collector under rule III or IV of the Government Rules.	† Amount of capitalized value of revenue payable under rule VI of the Government Rules or rule 58, Chapter I, of the Board's Rules as years' purchase.	Date from which abatement of revenue, if any, takes place.	Market value determined by the Collector with reference to section 13 and clause 1 of section 24 of the Act.	Damages and expenses assessed by the Collector with reference to section 13 and clauses 2, 3, and 4 of section 24 of the Act.	Total award (column 13 *plus* column 14).	Additional compensation awarded under section 42 of the Act calculated at 15 per cent. on the market value shown in column 13.	Total of columns 15 and 16.	Amount of interest and period for which awarded under section 42 of the Act calculated at 6 per cent. on the amount shown in column 17.	Total amount disbursed (column 11 *plus* columns 17 and 18).	‡ Sale proceeds of property.	§ Abstract of proceedings of officer who has taken up the land.
						B. K. C. and A. R. P.			Rs. A. P.	Rs. A. P.		Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	

* The amount in column 10 should be shown separately for each estate.
† It should be stated whether the capitalized value has been paid to the proprietor or to Government.
‡ This column should show proceeds of property sold on behalf of Government, such as trees or crops, for which compensation is awarded.
§ This should be very short, and should end with reference to Judge's Court when reference has been made.

Collector.

Dated 18

APPENDIX XXII.

[SEE CHAPTER II, PART 3, RULE 15.]

General Abstract Register of lands taken up in the district of for the to under G. O. No. , dated

1	2	3			4			5			6			7			8	9			10
Number of miles.	Names of estates and villages in alphabetical order.	Amount of land taken in each estate.			Area shown by the register of each mile.			Compensation fixed for land in each estate, including additional compensation and interest under section 42.			Compensation paid for land in each estate.			Abatement of revenue allowed in each estate.			Names of persons who received compensation.	Amount of compensation in deposit			REMARKS.
		A.	R.	P.	A.	R.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.		Rs	A.	P.	

Dated 18 .

Collector.

Appendix XXIII.

[See Chapter II, Part 3, Rule 24.]

Lotbundi Register for the sale of class lands of the Railway in the district of

1	2	3	4	5			6	7	8			9	10	11			12			13			14
Number of lot.	Perganah and mouzah.	Number of mile.	Situated on which side of the railway.	Area in acres.			Boundary of lot.	Date of sale.	Amount of highest bid			Name and address of purchaser.	Signature of purchaser.	Amount paid at the time of sale.			Amount paid within 15 days after sale.			Total amount.			Remarks.
				A.	R	P.			Rs.	A.	P			Rs.	A	P.	Rs.	A.	P	Rs.	A.	P.	

APPENDIX XXIV.

[SEE CHAPTER II, PART 3, RULE 26]

ADVERTISEMENT OF SALE.

NOTICE is hereby given that the undermentioned plots of land, no longer required by Government, situated along the Railway, in the district of , will be put up to sale at o'clock on , the 18 , corresponding with the 12 Fusli at

The purchasers of the several plots of land will be subject to the following conditions :—

1*st*.—The purchasers will have no power to make any excavations on the land nearer than fifteen feet from the railway fencing, or plough the land closer than three feet from its foundation.

2*nd*.—If the amount of purchase-money does not exceed Rs. 100, the whole amount must be paid down at once.

3*rd*.—If the amount of purchase-money exceeds Rs. 100, one-fourth of the amount must be immediately deposited. If the balance be not paid by noon of the fifteenth day after the sale, reckoning the day of sale as one, or if that day be a close holiday, then by noon of the first succeeding office day, the sale shall be cancelled, the sum deposited being forfeited to Government, and the lot again put up for sale at the risk of the defaulting purchaser, after issue of advertisement, as in the case of original sale.

4*th*.—The plots of land will be sold revenue-free to the highest bidders.

5*th*.—The purchasers shall be put in possession on receipt by the Collector of the orders of the Board confirming the sales.

Consecutive lot number.	Name of district.	Pergunnah and mouzah.	Number of mile on which land is situate.	Situated on which side of the railway.	APPROXIMATE AREA OF LOT IN BIGHAS AND IN ACRES.		LAND EXCLUDED FROM SALE FROM EACH LOT.		Commencement and termination of lot.	Boundary of lot.
					B. K. C.	A. R. P.	Reasons for exclusion.	A. R. P.		
1	2	3	4	5	6		7		8	9

APPENDIX XXV.

[SEE CHAPTER II, PART 3, RULE 27.]

Statement of the lots sold, and of the sale proceeds, of class lands on the Railway, in the district of during the quarter ending 18 .

Number of mile.	Name of mouzah.	Number of lot.	Area of lot.	On which side of the railway line the lot is situated.	Date of sale.	Price at which sold.	REMARKS.
1	2	3	4	5	6	7	8
			A. R. P.			Rs. A. P.	

Instruction.—When all the lands relinquished by a Railway have been sold, a note should be made by the Collector in the column of "Remarks" of the last statement that no more lands remain to be sold.

Dated 18 . *Collector.*

APPENDIX XXVI.

[SEE CHAPTER II, PART 3, RULE 28.]

No.

CERTIFICATE OF SALE.

I, Collector of
do hereby certify that the right of Government to the undermentioned lot of class land of the Railway situated in the district of , as shown in plan No. , has been purchased by , inhabitant of mouzah , pergunnah , district , for Rs. at the public sale held on the under the orders of the Board of Revenue, No. , dated 18 .

The purchaser will hold in possession, revenue-free, the land above referred to, as per extract from plan furnished along with this certificate—

Plan No.	Lot No.	Approximate area.		
		Acres.	Roods.	Poles.

The 18 . } *Collector.*

APPENDIX XXVII.

[SEE CHAPTER II, PART 3, RULE 29]

__ _____STATE RAILWAY.

*SCHEDULE of land taken up for the use of the*_____

State Railway in

*District*_____

*Pergunnah*_____

*Mouzah*_____

Number of mile plan.	PURPOSE FOR WHICH REQUIRED.	CLASS A, COLOURED PINK. OCCUPATION, PERMANENT. Land for the regular works of the railway, including land for high roads, rivers, &c.			CLASS B, COLOURED YELLOW. OCCUPATION, TEMPORARY. Land for excavations, spoil, for contingencies of construction, for dwelling-houses, &c., &c.		
		Acres.	R.	P.	Acres.	R.	P.
	TOTAL						

Under-Secretary to the
Manager. *Govt. of Bengal, P. W. Dept.,* *Secretary to the*
Railway Branch. *Board of Revenue, L.P.*

Appendix XXVIII.

[See Chapter II, Part 3, Rule 29.]

Register of lands in the occupation of the *State Railway in the district of*

1	2	3	4			5			6													7
			Class A, in permanent occupation of the Railway.			Class B, acquired permanently, but in temporary occupation of the Railway.			Class B, released by the Railway authorities.													
										Released lands how disposed of												
										By transfer to any other Department.			By return to donors.	By sale.		By lease.					
Number of mile.	Purpose.	Number and date of Government sanction.	Area.	Amount of compensation.	Abatement of revenue.	Area.	Amount of compensation.	Abatement of revenue.	Area released.	Area.	Amount of compensation.	Abatement of revenue.	Area.	Area.	Sale proceeds.	Area.	Annual rent.					Remarks.
			A. R. P.	Rs. A. P.	Rs. A. P.	A. R. P.	Rs. A. P.	Rs. A. P.	A. R. P.	A. R. P.	Rs. A. P.	Rs. A. P.	A. R. P.	A. R. P.	Rs. A. P.	A. R. P.	Rs. A. P.	A. R. P.	Rs. A. P.			

Board of Revenue, L.P.,

The 18 .

Secretary.

APPENDIX XXIX.

[SEE CHAPTER II, PART 3, RULE 29]

_____ RAILWAY.

SCHEDULE of land taken for the use of the _____ *in*

District _____

Pergunnah _____

Mouzah _____

1	2	3			4			5			6		
Number of Plan.	PURPOSE FOR WHICH REQUIRED.	Class A. Coloured pink.			Class B. Coloured yellow.			Class D. Coloured green.			Class C. Coloured purple.		
		Occupation by Railway Company, permanent.			Occupation by Railway Company, temporary.			Occupation by Government, permanent, not coming into possession of Railway Company.			Occupation by Railway Company, either permanent or temporary.		
		Provided at cost of Government.									Provided at cost of Railway Company.		
		A.	R.	P.	A.	R	P.	A.	R.	P.	A.	R.	P.
	TOTAL ...												

Cons. Engr. to the Govt. of India for Railways. *Agent or Chief Engineer.* *Secretary to the Board of Revenue, L.P.*

APPENDIX
[SEE CHAPTER II,

Register of lands in the occupation of the ——————————— *Railway*

1	2	3	4																		
			PAYABLE BY GOVERNMENT.																		
			Class A, in permanent occupation of the Railway Company.								Class B, in temporary occupation of the Railway Company.										
Number of mile.	PURPOSE.	Number and date of Government sanction.	Area.			Amount of compensation.			Abatement of revenue.		Area.			Amount of compensation.			Abatement of revenue.			Area.		
			A.	R.	P	Rs	A.	P.	Rs.	A.P	A.	R.	P.	Rs.	A	P.	Rs.	A.	P.	A.	R.	P

BOARD OF REVENUE, L.P.,
The 18 . .

XXX.

PART 3, RULE 29.]

Company in the district of ——————

						5												6											
						PAYABLE BY THE RAILWAY COMPANY.												CLASS B, RELEASED BY THE RAILWAY COMPANY.											
Class D, occupied by Government, permanent.						Class C, in the occupation of the Railway Company, permanent or temporary.															Released lands how disposed of. By transfer to any other department.								
Amount of compensation.			Abatement of revenue.			Area.			Amount of compensation.			Abatement of revenue.			Yearly rent payable by the Railway Company.			Area released.			Area.			Amount of compensation.			Abatement of revenue.		
Rs.	A.	P.	Rs.	A.	P	A.	R.	P.	Rs	A.	P.	Rs.	A.	P.	Rs	A.	P.	A.	R	P.	A.	R.	P	Rs.	A	P.	Rs	A	P.

APPENDIX

[SEE CHAPTER II,

Register of lands in the occupation of the _____ *Railway*

6

CLASS B, RELEASED BY THE RAILWAY COMPANY—*contd.*

Released lands how disposed of.													Area remaining undisposed of.			Area released.		
By return to donors.			By sale.						By lease.									
Area.			Area.			Sale proceeds.			Area.			Annual rent.						
A.	R.	P.	A.	R.	P.	Rs.	A	P.	A.	R	P.	Rs.	A.	P.	A.	R.	P.	A.	R.	P.

XXX—*concluded.*

PART 3, RULE 29.]

Company in the district of _____

7																										8
CLASS C, RELEASED BY THE RAILWAY COMPANY.																										
Released lands how disposed of,																								Area remaining undisposed of.		REMARKS.
By transfer to any other department.								By return to donors.			By sale.					By lease.										
Area.			Amount of compensation.			Abatement of revenue.			Area.			Area.			Sale proceeds.			Area.			Annual rent.					
A.	R.	P.	Rs.	A.	P.	Rs.	A	P	A.	R.	P	A.	R.	P	Rs.	A.	P	A.	R.	P.	Rs	A	P.	A.	R.	P.	

Secretary.

APPENDIX XXXI.

Rules of the Government of India for the acquisition of land for State Railways [*received with Bengal Government order No. 2319R, dated the 18th December* 1885].

I.—The general course of procedure laid down in the Public Works Code, Chapter XV, paragraph 92, is to be followed on State Railways.

II.—Railway officers shall not obtain possession of land, whether by purchase, lease, or on simple toleration, except through the proper Revenue authorities.

III.—Engineers in preparing land plans for submission will divide their applications under two heads, viz :—

(*a*) *Land required permanently or land necessary for the railway when it is opened for public traffic and when the works of construction are finished*.—Such lands are the sites of bridges, embankments, cuttings, fences, and other works, the cess or berm introduced for the sake of safety between the limit of the works and the adjacent spoil bank, bazar, or side-cuttings ; roads permanently required, such as those immediately in the neighbourhood of stations, over-bridges, under-bridges, or level crossings on the railway ; land or water required for the water-supply ; land wanted for the preparation and reception of such materials as are used in maintenance, as ballast pits ; land for the permanent diversion of water-courses, all space permanently required at the stations, whether for traffic, storage, workshops, dwellings, or recreation, and also, as a general rule, land required for side cuttings and spoil banks.

(*b*) *Land required temporarily or land necessary to be taken up, but not permanently wanted*.—Such land will be for side-cuttings and spoil banks ; for roads for access to works while in progress, but which will subsequently be abandoned ; for the preparation and reception of materials used in constructing the railway, as brick-fields, quarries, ballast pits, or the temporary diversions of streams and highways. The sites of such dwellings as will be occupied only during construction will also come in this class.

IV.—The land to be taken up permanently for the through line of railway will be, in the first instance, sufficient for a double line, so as to allow of a cart-road to exist parallel to the railway *inside* the fence. This road will be useful not only during construction for service purposes, but afterwards for access to the stations, for maintenance purposes, and for stacking materials.

V.—The enclosed sections, *which are not intended to be used as a type for fencing, but merely as an illustration showing the amount of land to be taken up*, show the widths to be allowed for different purposes, and the relative position of the road, fence and ditch with reference to the railway. The boundary of the railway land permanently acquired is in every case to be considered as the outside edge of the ditch. Beyond the ditch a clear space or berm of not less than 6 feet must be left free from the spoil bank or side-cutting nearest to the railway, the cutting or bank being sloped off at an angle of not less than 2 to 1 to prevent any encroachment on this berm from the effects of weather. It will be seen from the section that the width of land to be permanently acquired for a line on the 5 feet 6 inches gauge will be for embankments 70 feet, for cuttings 76 feet, in addition to the width required in each case for the bases of the slopes. For a line on the metre gauge the widths will be for embankments 64 feet, for cuttings 70 feet, in addition to the slopes.

VI.—Land for side-cuttings and spoil banks will, as a rule, be permanently taken up by Government, and subsequently disposed of when no longer required. Estimates will provide and be sanctioned for the full cost of purchase, and should also exhibit the sum which it is estimated may be realised by the ultimate sale of the land.

Embankments under 3 feet in height will only require side-cutting on one side of the railway Slopes of side-cutting will be generally 2 to 1 all round, but care must be taken to provide for exceptional cases when a flatter slope may be needed. Similarly, the contents of cuttings under 3 feet high will be laid to spoil on one side only Side-cuttings should not be too deep, a depth of 6 feet may be estimated for in calculating the width of land required for side-cuttings They should be formed into well defined tanks of moderate length; and should not, as a rule, be connected with each other or with adjacent water-courses Valuable land should not be taken up for side-cuttings or for temporary purposes. A sufficient water course should be provided at right angles to the centre line of railway for each culvert or bridge, and on either side of this water-course, land will be left clear of the side-cuttings sufficient to prevent the water from the river running into the side-cuttings. The precaution of leaving land uncut in this manner is necessary to prevent the formation of a dangerous stream parallel to the railway.

VII.—In the neighbourhood of towns or other places, where land is above the ordinary value, the width of land to be taken for slopes, fence, &c., must be specially considered to secure economy

VIII.—All land will be applied for in continuous portions, and shown when practicable, mile by mile or village by village, on each sheet The plans will be drawn to a scale of 150 feet to an inch, the centre line of railway will be shown divided into chains of 100 feet, and all dimensions will be figured in feet The name of each zillah, pergunnah, and mouzah will be shown on each sheet. On curves the tangential point on the centre line will be marked and the radius of curvature given. The areas in acres, roods, and poles will be recorded in accordance with fiscal divisions in a schedule (*form the same as that issued with circular No* 10 (*Railway*) *of* 1871), showing in detail the class to which the land belongs, and the purpose to which it is to be devoted. Land required *permanently* will be coloured *pink*, land required for temporary occupation will be coloured *yellow*, although, as pointed out in rule VI, it will as a rule be acquired by Government permanently

IX.—Detached portions of land should be referred to some fixed point on one of the main sheets with distances and compass or other bearings, or such reference to the published maps of the neighbourhood as will ensure a ready identification of the land A corresponding entry should be made on the main sheet to draw attention to the detached plot.

X.—As a general rule, three complete sets of land plans and schedules will suffice for record, viz, one for the Engineer in charge of the railway, one for the local Government or Administration, and one for the Revenue authorities, but should more be required, they will be supplied by the Railway Engineers.

XI.—The general correctness of the plans and schedules submitted by the Railway Engineer in charge being attested by the Engineer-in Chief or Manager of the State Railway, the application will be forwarded to the Revenue authorities, and will be dealt with by them under the orders of the local Government or Administration

XII.—The land plans and schedules will be rectified from time to time as changes occur, and local Governments will see that a correct register of all railway lands is maintained.

XIII.—When land is no longer required for the railway, it will be retransferred to the Revenue authorities and disposed of by them. All contemplated changes in the land occupied by a railway should be reported to the local Government, and it will be for the latter to see that the necessary steps are taken by the Revenue authorities for entering such changes in their records and for carrying out all further requisite proceedings.

XIV.—In Native States all land will be obtained through the Political Agent, and the distinction of temporary and permanent need not be observed, but this will not make it the less incumbent on the officials concerned to see that all land not permanently required for the purposes of the railway is restored when no longer wanted, and to keep as complete records of the land retained for railway purposes in Native States as in British Territory. Such plans and schedules as the Political Agent may require will be supplied by the Railway Engineers.

STATE RAILWAY.

PLAN No. _____

DISTRICT _____

Schedule of land taken for the use of the Railway in zillah _____

Pergunnah _____

Mouzah _____

NUMBER OF PLAN.	Purpose for which required.	CLASS A. COLOURED PINK. Occupation, permanent. Land for the regular works of the Railway, including land for high roads and rivers, &c., &c.			CLASS B. COLOURED YELLOW. Occupation, temporary. Land for excavations, spoil and for contingencies of construction, for dwelling-houses, &c., &c.		
		Acres.	R.	P.	Acres.	R.	P.
	Total ...						

Executive Engineer. *Engineer-in-Chief.*

APPENDIX XXXII.

Questions for the use of an officer inspecting the Land Acquisition Department of the Collector's office, including the Special Deputy Collector's office, if any.

1. In how many cases was the preliminary enquiry alluded to in sections 4 and 5 of the Act required to be taken ?
2. Has the officer entrusted with the preliminary enquiry been authorized by Government ?
3. Have the notifications in such cases been issued under section 4, and followed by declaration under section 6 of the Act ?
4. If the land was for the Public Works Department, was the preliminary map, with memorandum of cost and draft declaration, forwarded to the Executive Engineer for submission to Government ?
5. If for any other department, to the chief local representative of the department or company ?
6. When no preliminary investigation was required to be made, and the land to be acquired is for the Revenue Department, were the draft declaration and the estimate forwarded to the Board ?
7. If for any other department or company, has the Collector been supplied with the necessary information by some duly authorized officer of that department or company ?
8. In such cases, has the Collector verified the information by enquiry on the spot and attached his certificate as to the proper estimate of value ?
9. Have the boundaries of land been properly given and the area and general description stated ?
10. Has the estimate of cost been prepared and submitted ?
11. Has the estimate been sanctioned ?
12. Has detailed survey of the land been made ?
13. Who is the officer employed for this purpose ?
14. Has any special establishment been sanctioned for this ?
15. Has the map been prepared on paper ordinarily used by the Survey Department for village maps or on tracing cloth ?
16. Has it been properly coloured, and does it contain the area and other particulars required by the Rules ?
17. Has a copy of all plans of lands acquired for railway purposes been forwarded to the Board ?
18. When the Collector has been satisfied that the two plans represent the same land, was the survey tested on the spot by some competent officer, and the rates, descriptions, and quantity of land enquired into and ascertained by that officer ?
19. Has the initial estimate been revised, and the amount of the revised estimate recorded ?
20. Does it materially exceed the original estimate ?
21. If it does, has the matter been reported on ?
22. Has the revised estimate been prepared according to the rules contained in rule 21, Chapter I of the Land Acquisition Manual ?
23. Has the notice under section 9 of the Act been served ?
24. Has any land been given free of cost by the owner ?
25. Have the Board given consent to the gift ?
26. If so, has a deed of gift been executed ?
27. Has the amount of compensation to be awarded been ascertained, as required by sections 11 to 15 of the Act, and the rules on the subject (rule 27, Chapter I of the Land Acquisition Manual) ?
28. Has any abatement of land revenue been offered by Collector ?
29. When the area of the land to be acquired does not exceed one-twentieth of the parent estate, has the capitalized value been applied for and granted ?
30. In such case, has the owner agreed that he will continue to pay the revenue without abatement ?
31. Has the amount of compensation offered by the Collector been accepted by the several persons interested in the land ?

32. Has any matter been referred to the civil court under section 15 of the Act ?

33. Has the block of land covered by the declaration been split up into a number of separate plots, each plot representing a separate claim ?

34. Has any dispute as to the apportionment of the amount of compensation arisen ?

35. If so, has it been referred to the civil court under section 38 of the Act ?

36. In the absence of any such dispute, have the particulars of the apportionment been specified in the award ?

37. Has a separate finding been recorded by the Collector for the calculation of the additional compensation as required by Rule VIII of the Government rules ?

38. If the proceedings under the Act have been conducted by an Assistant or Deputy Collector, and if the amount of his intended award exceeded the sanctioned estimate, or in any one case exceeded Rs. 10,000, was a reference made to the Collector on the point ?

39. Has the certificate as to the suitability of the award under section 14 of the Act been recorded and signed ?

40. After the award or reference to court was made, did the Collector take possession of the land under section 16 of the Act ?

41. In case of urgency, when immediate possession was required to be taken, was the order of Government obtained previously ?

42. If the land has been informally occupied, have all the interested parties given consent in writing ?

43. When assessors were appointed by the Civil Court, was the assessor nominated by the Collector a gazetted officer of Government not below the grade of a Sub-Deputy Collector ?

44. Has the amount of compensation been properly distributed ?

45. Is a register kept, showing separately the receipts and disbursements on account of each land acquisition case ?

46. In case when reference was made to the civil court, was notice of such reference given to the parties interested by the Collector ?

47. If the land was acquired for a purpose which is not strictly a Government purpose, such as for a Municipality or a District Board, &c., was the whole cost of acquisition charged to such Municipality or District Board, &c ?

48. In cases where, under special agreement, the parties have accepted a lump-sum and distinctly waived or included therein the claim for additional compensation under section 42, has a written agreement been taken and filed with the proceedings ?

49. Has the final report been prepared and submitted by the Collector to the Commissioner of the Division, as required by rule 67, Chapter I, of the Land Acquisition Manual ?

49. Has all necessary information been communicated to the Land Registration Deputy Collector to enable him to make the needful entries in Registers A and B as required by rule 71, Chapter I of the Land Acquisition Manual ? 8-11-91.

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